

## 3-100 DISTRICTS ESTABLISHED

### **3-101 DISTRICTS ESTABLISHED AND PURPOSE**

**Ord. 2650/12-18-89**

For the purpose of this Ordinance, the following nonresidential districts are established.

#### **A. O - OFFICE**

The O district is established to accommodate professional, management, research, and other similar offices.

#### **B. GR - GENERAL RETAIL**

The GR district is established to accommodate the sale of convenience goods and personal services primarily for persons residing in the surrounding neighborhoods.

#### **C. LC - LIGHT COMMERCIAL**

The LC district is established to accommodate business activities of moderate intensity in community business areas and to provide for restricted commercial development in proximity to the freeways.

#### **D. MU - MIXED USE**

The MU district is established to allow central area redevelopment which is orderly and responsive to adjacent land uses.

#### **E. CB - CENTRAL BUSINESS**

The CB district is established to accommodate the commercial, business, service and public activities and uses commonly found in a central business area. The community shall have only one contiguous CB district and any extension of the district should be bounded at least on one side by an existing CB district boundary.

#### **F. SS - SERVICE STATION**

The SS district is established exclusively to provide for service stations, both full-service and self-service, for the convenience of persons nearby or traveling through the City.

#### **G. C - COMMERCIAL**

The C district is established to accommodate a wide variety of commercial uses and to have general application as a highway service district.

#### **H. I - INDUSTRIAL**

The I district is established to accommodate manufacturing uses which are free of objectionable influences in operation and appearance or which can readily control any features which may otherwise be objectionable by the installation of appropriate abatement devices.

#### **I. CV – CIVIC (Ord. 3959 / 5-19-2008)**

The CV district is established to accommodate specific public, educational, institutional, cultural, recreational and similar uses of low to moderate intensity to serve the public needs of residents of the City by providing focal points in neighborhoods and/or the community for gathering, social interactions and select neighborhood and community services and amenities.

## 3-200 USE REGULATIONS

### **3-201 GENERAL USE REGULATIONS**

**Ord. 2650/12-18-89**

No land shall hereafter be used and no structure shall hereafter be erected, altered, or converted in a nonresidential district which is arranged, designed or used for any use other than a use specified in 3-203 as permitted in the district in which it is located, except as otherwise permitted herein

#### **A. P - PERMITTED USES**

Principal or accessory uses indicated as "P" (Permitted Use) in 3-203 are permitted in the districts specified, subject to compliance with all conditions and requirements of this ordinance and other applicable provisions of the City Code.

#### **B. C - CONDITIONAL USES**

Principal or accessory uses indicated as "C" (Conditional Use) in 3-203 may be permitted in the districts specified if expressly authorized in accordance with the procedures set out in 5-300.

#### **C. S - SPECIAL EXCEPTIONS**

Principal or accessory uses indicated as "S" (Special Exception) in 3-203 may be permitted in the districts specified if expressly authorized by the Board of Adjustment in accordance with the procedures set out in 5-200.

#### **D. PROHIBITED USES**

Principal or accessory uses not indicated in a district as "P", "C" or "S" in 3-203 shall be prohibited in that district. Refer to 2-203 for uses permitted in the residential districts.

#### **E. SPECIAL CONDITIONS**

Special requirements for specific uses are noted in 3-203 under "Special Conditions". The designated use is permitted only when in compliance with the special conditions listed. When a use is authorized as a Conditional Use or as a Special Exception, the authorizing body may approve modification of the special conditions by specifying the allowed modification in its approval, provided that proposed modifications must be identified in the required notices as part of the request. Modifications may be approved if it is determined that the use can be accommodated under modified conditions without creating adverse impact on adjacent properties and that it will be compatible with the neighborhood.

#### **F. SIC CLASSIFIED USES**

Nonresidential uses listed in 3-203 include a SIC code number which references the use's classification as contained in the Standard Industrial Classification Manual (1987). The SIC Manual shall be incorporated herein as a reference for the description and definition of those uses referenced by an SIC code number, except as otherwise modified herein.

#### **G. PARKING STANDARDS**

Parking requirements for specific uses are indicated by the applicable parking standard group in the "PKNG STND" (Parking Standards) column on Table 3-203. The parking required for the respective parking standard groups are listed on Table 3-405.

#### **H. PLANNED DEVELOPMENT DISTRICT USES**

The PD district is not included on the Schedule of Permitted Uses. Uses are permitted in a PD district if the specific PD ordinance references a standard district in which the use is permitted or if the ordinance specifically lists the use as permitted in the PD district. If a use is listed as "C" or "S" in a district referenced by a PD ordinance, it shall be permitted in the PD district only when specifically authorized in accordance with 3-201B or 3-201C, unless such use is specifically listed as permitted in the PD ordinance.

## **I. ADDITIONS AND REVISIONS**

The addition or removal of uses; the change of a "P", "C" or "S" designation; the revision of Special Conditions or Parking Standards; or any other revision of the Schedule of Permitted Uses (3-203) are ordinance amendments requiring compliance with the procedures set out in 5-300.

### **3-202 GENERAL CONDITIONS**

**Ord. 3959/5-19-2008; Ord. 2650/12-18-89**

#### **A. SITE PLAN**

A site plan, including all easements, property lines, physical features, fire lanes and hydrants, buildings, utilities, parking and drives, adjacent streets with medians, and locations of refuse collection shall be attached to all applications for building permits and may be required with applications for Certificates of Occupancy if necessary to determine compliance with requirements. The Development Review Committee shall review and approve site plans which are in compliance with all regulations of this ordinance, the Subdivision Ordinance, and all other requirements of the City Code.

#### **B. OFFICE USES**

Office activities for any use classification may be located in any nonresidential district, except SS and CV, regardless of the districts designated for the use on Table 3-203, provided that activities are limited to general office functions such as accounting, telephone, typing, filing and consultation and that no on-site storage or display of vehicles, equipment, or goods for sale is permitted unless otherwise allowed in the district.

#### **C. SERVICE STATION DISTRICT**

The Service Station district is an exclusive district permitting only service stations, i.e. the sale of gasoline, minor automotive repair, and other expressly stated uses. No building, structure, or land in the Service Station district shall be used for other than a service station use.

#### **D. BUSINESS IN ENCLOSED BUILDING**

All business, activities, operations, services, processing, display and storage shall be conducted wholly within a totally enclosed building, unless otherwise specifically authorized in the district. See 3-600.

#### **E. NEW MERCHANDISE (Ord. 3100/8-5-96)**

Goods and merchandise offered for sale in all districts shall consist of new merchandise only. This provision shall not prohibit the incidental sale of used items, 1) if the items were originally sold, rented, or serviced by the establishment, including such items as floor displays, demonstrator models, items previously rented by a rental establishment, or items reconditioned at a service establishment; and 2) if such sale/resale is clearly incidental and secondary to the primary operation of the establishment with only a small number of items offered; in addition, this shall not prohibit the sale of the following types of merchandise when sold in an establishment predominantly offering similar new items: 1) used musical instruments at a music store; 2) sports, other trading cards, and comic books at a sport card store; and 3) reconditioned engine parts at an auto parts store. The sale of all other used merchandise, including resale or consignment sales, shall not be permitted unless the use is classified as and approved in accordance with the requirements under SIC 593: Used Merchandise Stores.

#### **F. LIMITED INDUSTRIAL USE (Ord. 2816/6-1-92)**

Uses in Division D (SIC Groups 20 - 39) and Division F (SIC Groups 50 - 51), which require a Conditional Use permit to locate in the C district, may locate in the C district without a Conditional Use permit, if the use complies with the following limitations: 1) The activity involves only the assembly/processing of premanufactured parts into finished products and does not involve processing of raw materials; 2) The activity is conducted entirely in an enclosed building with no outdoor storage or activity; and 3) The maximum gross floor area occupied by the activity is 5000 square feet or less.

#### **G. DONATION COLLECTION FACILITIES (Ord. 4054/6-15-09)**

A donation collection facility, whether conducted as a primary or accessory use, shall not be permitted on any property, public or private, within the City.

**3-203 SCHEDULE OF PERMITTED USES**

Last amended: Ord. 4528 / 12-18-2017 Ord. 3959/5-19-2008; Ord. 3751/7-18-05; Ord. 2650/12-18-89

SIC CODE	USE DESCRIPTION	O	GR	LC	THN K20 NGTC 1	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
<b>A. AGRICULTURE, FORESTRY, FISHING</b>													
01	CROP PRODUCTION	P	P	P			P	P	P	P	P	28	Require minimum 2-acre tract.
02	LIVESTOCK PRODUCTION	S	S	S			S	S	S	S	S	28	The keeping of horses and livestock may be classified as an accessory use if in accordance with the conditions set out in 2-203C.9 and 2-203C.10.
07	AGRICULTURAL SERVICE (Except)											28	See Table 2-203
074 and 075	Veterinary Services/ Animal Hospital/Other Animal Services (Ord. 2723/2-4-91; Ord. 3848/1-2-07)		C	P			P	P		P	P	3	Prohibits outdoor kennels; Requires building to be at least 100 feet from any property line in a residential district. See City Code for kennel requirements.
a.	Indoor Services to Household Pets, except where grooming is the primary use (Veterinary Services, Animal Hospitals, Training, Breeding, and Indoor Boarding)						P	P				3	Prohibits keeping animals overnight.
b.	Grooming - Household Pets		P	P			P	P		P	P	3	Prohibits keeping animals overnight.
c.	Outdoor Services to Household Pets (includes any service with outdoor kennels or activity)									C	C	3	Requires location in a freestanding building; Requires outdoor kennels to be at least 200 feet from any property line in a residential district and at least
d.	Services to Livestock (including horses)									C	C	3	100 feet from any property line; Requires outdoor kennels, runs, enclosures, etc. to be enclosed by a solid fence at least 6 feet in height; See City Code.
076	Farm Labor Management Services										P	28	
078	Landscape/Horticulture Services (except)			P*			P*	P*		P*	P*	4	
0781	Landscape Counseling and Planning	P	P	P			P	P		P	P	3	
08	FORESTRY											28	See Table 2-203.
09	FISHING, HUNTING, TRAPPING											28	See Table 2-203.
<b>B. MINING, EXTRACTION</b>													
10-14	ALL MINING, EXTRACTION									C	C	8	Requires compliance with 1-500.
<b>C. CONSTRUCTION</b>													
15	BUILDING CONTRACTORS									P*	P*	4	Requires compliance with 3-600 for outdoor storage
16	HEAVY CONSTRUCTION CONTRACTORS									P*	P*	4	
17	SPECIAL TRADE CONTRACTORS			P*			P*	P*		P*	P*	4	
171	Plumbing, Heating, Air Conditioning						P*	P*		P*	P*	4	
172	Painting, Paper Hanging, Decorating			P*			P*	P*		P*	P*	4	
173	Electrical			P*			P*	P*		P*	P*	4	

P = Permitted Use (3-201A)  
*P* = Italicized P (*P*) Use Permitted Only in Conjunction with Gasoline Sales (3-504)  
 C = Conditional Use (3-201B)  
 S = Special Exception (3-201C)  
 NEC = Not Elsewhere Classified

\* Refer to 4-800 – TERRA Overlay District: An asterisk (\*) indicates that the use requires approval of a Conditional Use Permit if located in the TERRA Overlay District.  
<sup>1</sup> Refer to applicable form-based code

**3-203 SCHEDULE OF PERMITTED USES**

Last amended: Ord. 4528 / 12-18-2017 Ord. 3959/5-19-2008; Ord. 3751/7-18-05; Ord. 2650/12-18-89

SIC CODE	USE DESCRIPTION	O	GR	LC	THN K20 NGTC 1	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
174	Masonry, Tile Setting, Plastering			P*			P*	P*		P*	P*	4	Requires compliance with 3-600 for outdoor storage
175	Carpentering, Flooring (Interior)			P*			P*	P*		P*	P*	4	
176	Roofing, Sheet Metal Work									P*	P*	4	
177	Concrete Work									P*	P*	4	
178	Water Well Drilling									P*	P*	4	
179	Miscellaneous Special Trade Contractors									P*	P*	4	
1791	Structural Steel Erection												
1793	Glass, Glazing Work						P*	P*		P*	P*	4	
1794	Excavation, Foundation Work									P*	P*	4	
1795	Wrecking, Demolition Work									P*	P*	4	
1796	Installation of Equipment, NEC									P*	P*	4	
1799	Special Trade Contractors, NEC (Ord. 2816/6-1-92)									P*	P*	4	
<b>D. MANUFACTURING</b>													
<b>20</b>	<b>FOOD, KINDRED PRODUCTS</b>												
201	Meat Products									C*	P*	5	Requires all primary buildings and yard activities, except employee parking, to be located at least 100 feet from any residential district; Requires any loading or outdoor storage areas where loading/unloading of heavy load vehicles is involved to be located at least 200 feet from any residential district; Requires compliance with 3-600 for outdoor storage; See 1-104H regarding high risk uses (Ord. 2816/6-1--92).
202	Dairy Products									C*	P*	5	
203	Canned, Preserved Fruits & Vegetables									C*	P*	5	
204	Grain Mill Products										P*	5	
205	Bakery Products									C*	P*	5	
206	Sugar, Confectionery Products										P*	5	
207	Fats, Oils										C*	5	
208	Beverages (except)										P*	5	
2083	Malt										C*	5	
2085	Distilled, Rectified, Blended Liquors										C*	5	
209	Miscellaneous Food Preparation & Products									C*	C*	5	
<b>21</b>	<b>TOBACCO PRODUCTS</b>										C*	5	
<b>22</b>	<b>TEXTILE MILL PRODUCTS</b>										C*	5	
<b>23</b>	<b>APPAREL, OTHER FABRIC PRODUCTS</b>									P*	P*	5	
<b>24</b>	<b>LUMBER, WOOD PRODUCTS EXCEPT FURNITURE</b>										C*	5	
<b>25</b>	<b>FURNITURE, FIXTURES</b>									C*	P*	5	
<b>26</b>	<b>PAPER &amp; ALLIED PRODUCTS</b>										P*	5	
<b>27</b>	<b>PRINTING, PUBLISHING &amp; ALLIED INDUSTRIES</b>			C*			C*	P*		P*	P*	5	
<b>28</b>	<b>CHEMICALS, ALLIED PRODUCTS</b>										C*	5	
281	Industrial Inorganic Chemicals										C*	5	
282	Plastics, Synthetic, Fibers										C*	5	
283	Drugs										C*	5	
284	Detergents, Cosmetics, Toilet Preparations										C*	5	
285	Paints, Lacquers, Allied Products										C*	5	
286	Industrial Organic Chemicals										C*	5	
287	Agricultural Chemicals										C*	5	
289	Miscellaneous Chemical Products										C*	5	
<b>29</b>	<b>PETROLEUM REFINING, RELATED INDUSTRIES</b>										C*	5	

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SIC CODE	USE DESCRIPTION	O	GR	LC	THN K20 NGTC 1	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
30	RUBBER, MISCELLANEOUS PLASTIC PRODUCTS										C*	5	Requires any loading or outdoor storage areas where loading/unloading of heavy load vehicles is involved to be located at least 200 feet from any residential district; Requires compliance with 3-600 for outdoor storage; See 1-104H regarding high risk uses (Ord. 2816/6-1--92).
31	LEATHER, LEATHER PRODUCTS (except)										P*	5	
311	Leather Tanning, Finishing										C*	5	
32	STONE, CLAY, CONCRETE (except)										C*	5	
a.	Concrete Batch Plants										C*	5	
33	PRIMARY METAL INDUSTRIES										C*	5	
34	FABRICATED METAL PRODUCTS (except)										P*	5	
348	Ordnance, Accessories										C*	5	
35	INDUSTRIAL, COMMERCIAL MACHINERY (except)										P*	5	
357	Computer, Office Equipment									C*	P*	5	
36	ELECTRICAL, ELECTRONIC EQUIPMENT, EXCEPT COMPUTER									C*	P*	5	
37	TRANSPORTATION EQUIPMENT										P*	5	
38	INSTRUMENTS												
381	Detection, Guidance Instruments									C*	P*	5	
382	Measuring, Controlling Instruments									C*	P*	5	
384	Medical & Dental Instruments									C*	P*	5	
385	Ophthalmic Goods			C*			C*	C*		C*	P*	5	
386	Photographic Equipment, Supplies			C*			C*	C*		C*	P*	5	
387	Watches, Clocks			C*			C*	C*		C*	P*	5	
39	MISCELLANEOUS MANUFACTURING												
391	Jewelry, Plated Ware			C*			C*	C*		C*	P*	5	
393	Musical Instruments			C*			C*	C*		C*	P*	5	
394	Toys, Sporting Goods			C*			C*	C*		C*	P*	5	
395	Pencils, Artist's Materials			C*			C*	C*		C*	P*	5	
396	Costume Jewelry, Notions			C*			C*	C*		C*	P*	5	
399	Miscellaneous Manufacturing Industries									C*	P*	5	
3991	Brooms, Brushes												
3993	Signs, Advertising Displays									C*	P*	5	
3995	Burial Caskets									C*	P*	5	
3996	Linoleum, Hard Surface Flooring, NEC									C*	P*	5	
3999	Manufacturing Industries NEC (except)									C*	P*	5	
a.	Flammable, Explosive Products										C*	5	
<b>E. TRANSPORTATION, UTILITIES</b>													
40	RAILROAD TRANSPORTATION (except)	S	S	S			S	S		S	S	28	
a.	Railroad Passenger Terminal	S	S	S		P	S	P		P	P	26	

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SIC CODE	USE DESCRIPTION	O	GR	LC	THN K20 NGTC 1	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
<b>41</b>	<b>LOCAL TRANSIT, HIGHWAY TRANSPORTATION</b> (except)	S	S	S		C	S	S		S	S	28	
a.	Transit or Bus Terminal (Ord. 3220/5-5-98)	C	C	C		C	C	C		C	C	26	
b.	Bus Stop/Shelter	P	P	P		P	P	P	P	P	P	28	
<b>42</b>	<b>MOTOR FREIGHT TRANSPORTATION, WAREHOUSING</b> (except) (Ord. 3220/5-5-98)									C*	P*	5	See Special Conditions on previous page.
a.	Miniwarehousing, Self-storage							C*		C*	C*		Requires compliance with 3-502 (Ord. 2816/6-1-92; 4269/7-1-13).
<b>43</b>	<b>U.S. POSTAL SERVICE</b>	P	P	P		P	P	P		P	P	28	
<b>44</b>	<b>WATER TRANSPORTATION</b>									C	C	28	
<b>45</b>	<b>AIR TRANSPORTATION</b> (except)									C	C	28	Requires compliance with FAA regulations.
a.	Helicopter Landing Pad	C	C	C		C	C	C		C	C	28	
<b>46</b>	<b>PIPELINES</b>	S	S	S			S	S	S	S	S	28	Include natural gas transmission pipelines.
<b>47</b>	<b>TRANSPORTATION SERVICES</b> (except)										P	28	
472	Arrangement of Passenger Transportation (Travel Agents, Ticket Offices)	P	P	P		C	P	P		P	P	1	
<b>48</b>	<b>COMMUNICATIONS</b> (except)					C				P	P	28	
a.	Utility Facilities	P	P	P		P	P	P	P	P	P	28	
b.	Business Office	P	P	P		C	P	P		P	P	3	
c.	Telecommunications, Towers and Antennas (Ord. 3153/5-5-97)												Requires compliance with 1-700.
<b>49</b>	<b>ELECTRIC, GAS, SANITARY SEWER</b> (except)									P	P	28	
a.	Generating, Manufacturing, Treatment Plants										C	28	
b.	Sanitary Landfill										C	28	
c.	Utility Facilities	P	P	P		C	P	P	P	P	P	28	
d.	Business Office	P	P	P		C	P	P		P	P	3	
497	Irrigation Systems			P			P	P		P	P	28	
<b>F. WHOLESALE TRADE</b>													
<b>50</b>	<b>WHOLESALE TRADE - DURABLE GOODS</b>												
501	Motor Vehicles, Auto Parts (Ord. 3220/5-5-98)									C*	P*	5	Requires all primary buildings and yard activities, except employee parking, to be located at least 100 feet from any residential district;
5015	Motor Vehicle Parts, Used									C*	C*	5	Requires any loading or outdoor storage areas (continued next page)
502	Furniture, Home Furnishings									C*	P*	5	
503	Lumber, Other Construction Materials									C*	P*	5	where loading/ unloading of heavy load vehicles is involved to be located at least 200 feet from any residential district; Requires compliance with 3-600 for outdoor storage; See 1-104H regarding high risk uses (Ord. 2816/6-1--92).
504	Professional, Commercial Equipment									C*	P*	5	
505	Metals, Minerals, except Petroleum									C*	P*	5	
506	Electrical Goods									C*	P*	5	
507	Hardware, Plumbing, Heating Equipment									C*	P*	5	
508	Machinery, Equipment									C*	P*	5	

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**3-203 SCHEDULE OF PERMITTED USES**

Last amended: Ord. 4528 / 12-18-2017 Ord. 3959/5-19-2008; Ord. 3751/7-18-05; Ord. 2650/12-18-89

SIC CODE	USE DESCRIPTION	O	GR	LC	THN K20 NGTC 1	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
509	Miscellaneous Durable Goods									C*	P*	5	
5091	Sporting, Recreation Goods									C*	P*	5	
5092	Toys, Hobby Goods									C*	P*	5	
5093	Scrap, Waste Material (except)									C*	P*	5	
5094	Jewelry, Watches, Precious Stones									C*	P*	5	
5099	Durable Goods, NEC									C*	P*	5	
<b>51</b>	<b>WHOLESALE TRADE - NONDURABLE GOODS</b>												
511	Paper, Paper Products									C*	P*	5	
512	Drugs, Drug Proprietaries, Sundries									C*	P*	5	
513	Apparel, Piece Goods, Notions									C*	P*	5	
514	Groceries, Related Products									C*	P*	5	
515	Farm Product Raw Materials									C*	P*	5	
516	Chemicals, Allied Products									C*	P*	5	
517	Petroleum, Petroleum Products									C*	P*	5	
518	Beer, Wine, Distilled Alcoholic Beverages									C*	P*	5	
519	Miscellaneous Nondurable Goods									C*	P*	5	
5191	Farm Supplies									C*	P*	5	
5192	Books, Periodicals, Newspapers									C*	P*	5	
5193	Flowers, Nursery Stock, Florist Supplies									C*	P*	5	
5194	Tobacco, Tobacco Products									P*	P*	5	
5198	Paint, Varnishes and Supplies									P*	P*	5	
5199	Nondurable Goods, NEC									C*	P*	5	
<b>G. RETAIL TRADE</b>													
<b>52</b>	<b>BUILDING MATERIALS, HARDWARE, GARDEN SUPPLY</b>			P			P	P		P	P	1	Requires compliance with 3-600 for outdoor storage.
521	Lumber, Other Building Materials			P			P	P		P	P	1	
523	Paint, Glass, Wallpaper Stores		P	P			P	P		P	P	1	
525	Hardware Stores		P	P			P	P		P	P	1	
526	Retail Nurseries, Garden Supply			P			P	P		P	P	1	Requires compliance with 3-600.
527	Mobile Home Dealers									C*	C*	8	Requires compliance with 3-600.
<b>53</b>	<b>GENERAL MERCHANDISE STORES</b>		P	P			P	P		P	P	1	
531	Department Stores												
533	Variety Stores		*C	*C			*C	*C		*C	*C	1	*If location meets 3-510.A. allowed by CUP (Ord. 4583 / 7-16-2018)
539	Miscellaneous General Merchandise Stores		P	P			P	P		P	P	1	
<b>54</b>	<b>FOOD STORES</b>												
541	Grocery Stores		P	P			P	P		P	P	1	
542	Meat, Fish Markets		P	P			P	P		P	P	1	
543	Fruit, Vegetable Markets		P	P			P	P		P	P	1	
544	Candy, Nut, Confectionery Stores		P	P			P	P		P	P	1	
545	Dairy Products Stores		P	P			P	P		P	P	1	
546	Retail Bakeries		P	P			P	P		P	P	1	
549	Miscellaneous Food Stores (except)		P	P			P	P		P	P	1	
a.	Convenience Stores (Ord. 4771 / 3-16-2020)		C	C			C	P^	P^	P^	P^	1	Permit in SS district only in conjunction with self-service gasoline sales. ^Requires a CUP when the building is within 500 feet of a residential district or a public or private school.

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**3-203 SCHEDULE OF PERMITTED USES**

Last amended: Ord. 4528 / 12-18-2017 Ord. 3959/5-19-2008; Ord. 3751/7-18-05; Ord. 2650/12-18-89

SIC CODE	USE DESCRIPTION	O	GR	LC	THN K20 NGTC 1	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
b.	Outdoor Farmers Market							C*		C*	C*	7	Requires compliance with 3-600.
c.	Beverage Barns												Not permitted in any zoning district
<b>55</b>	<b>AUTOMOBILE DEALERS, SERVICE STATIONS</b>			C*				C*		C*	C*	8	Requires compliance with 3-600; Permit without Conditional Use Permit if all sales, display, and storage is within an enclosed building.
551	Motor Vehicle Dealers (New & Used)							C*		C*	C*	8	
552	Motor Vehicle Dealers (Used Only)							C*		C*	C*	8	
553	Auto & Home Supply Stores		P	P			P	P	P	P	P	1	
554	Refueling Stations												(Ord. 4528 / 12-18-2017; Ord. 4543 / 3-05-2018; Ord. 4771 / 3-16-2020)
a.	Limited Fuel Sales (other than heavy load vehicles)		C	C			C		P^	P^	P^	1	Requires compliance with 3-504. ^Requires a CUP when in conjunction with Heavy Load Vehicle Refueling. ^Requires a CUP when the building is within 500 feet of a residential district or a public or private school.
b.	Truck Stop												Prohibited in the corporate limits of the City.
c.	Heavy load vehicle refueling									C	C		Requires compliance with 3-504.
555	Boat Dealers									C*	C*	8	Requires compliance with 3-600; Permit without Conditional Use Permit if all sales, display, and storage is within an enclosed building.
556	Recreational Vehicles, Utility Trailers									C*	C*	8	
557	Motorcycle Dealers									C*	C*	8	
559	Automotive Dealers, NEC									C	C	8	
<b>56</b>	<b>APPAREL, ACCESSORY STORES</b>		P	P			P	P		P	P	1	
<b>57</b>	<b>FURNITURE, HOME FURNISHINGS</b>												
571	Furniture, Furnishings, except Appliances		P	P			P	P		P	P	2	
5712	Furniture Stores												
5713	Floor Covering Stores		P	P			P	P		P	P	1	
5714	Drapery, Upholstery Stores		P	P			P	P		P	P	1	
5719	Miscellaneous Home Furnishings		P	P			P	P		P	P	1	
572	Household Appliance Stores		P	P			P	P		P	P	2	
573	Radio, TV, Electronics, Music Stores		P	P			P	P	P	P	P	1	
<b>58</b>	<b>EATING, DRINKING PLACES</b>												(SS district: Ord. 4201; 2-6-2012)
5812	Eating Places (except)		P	P			P	P	P	P	P	17	
a.	Drive-in Restaurants									P	P	17	
b.	Restaurant holding a Food & Beverage Certificate with Private Club (Ord. 3922/12-17-07)			C				C		C	C	18	Permits private club operated by fraternal or veterans organizations certified under Alcoholic Beverage Code without a Conditional Use Permit in districts designated; See SIC 864.
5813	Drinking Place with Private Club (except)												
a.	Private Club in conjunction with full-service hotel (Ord. 3922 / 12-17-07)			C+						C+			Restricted to the H-PC, MARE and MP-SC overlay districts. (+) indicates permitted-by-right in MARE and MP-SC; See 4-600, 4- 700 and 4-900.
<b>59</b>	<b>MISCELLANEOUS RETAIL</b>												
591	Drug, Proprietary Stores		P	P			P	P		P	P	1	
592	Liquor Stores												Prohibit in all districts (Dry Area).
593	Used Merchandise Stores/Antique Stores (except) (Ord. 3100)		C*	C*			C*	P*		C*	C*	1	See 3-202E.

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**3-203 SCHEDULE OF PERMITTED USES**

Last amended: Ord. 4528 / 12-18-2017 Ord. 3959/5-19-2008; Ord. 3751/7-18-05; Ord. 2650/12-18-89

SIC CODE	USE DESCRIPTION	O	GR	LC	THN K20 NGTC 1	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
a.	Pawnshops (Ord. 2831/9-21-92; Ord. 2799/3-16-92)										P*	1	Permits only establishments licensed under the Texas Pawnshop Act.
594	Miscellaneous Shopping Goods Stores		P	P			P	P		P	P	1	
	5941 Sporting Goods (including firearms) Bicycle Shops									P	P	1	
	5942 Book Stores		P	P			P	P		P	P	1	
	5943 Stationery Stores		P	P			P	P		P	P	1	
	5944 Jewelry Stores		P	P			P	P		P	P	1	
	5945 Hobby, Toy, Game Shops		P	P			P	P		P	P	1	
	5946 Camera, Photo Supply Shops		P	P			P	P		P	P	1	
	5947 Gift, Novelty, Souvenir Shops		P	P			P	P		P	P	1	
	5948 Luggage, Leather Goods Stores		P	P			P	P		P	P	1	
	5949 Sewing, Needlework, Piece Goods Stores		P	P			P	P		P	P	1	
596	Non-Store Retailers			P			P	P		P	P	4	
	5961 Catalog, Mail Order Houses			P			P	P		P	P	4	
	5962 Automatic Machine Operators			P			P	P		P	P	4	
	5963 Direct Selling Establishments			P			P	P		P	P	3	Includes retail sales offices only; See City Code for permitted door-to-door sales and sales from trucks or wagons; Requires licensing.
598	Fuel, Ice Dealers										C	1	
	5983 Fuel, Oil Dealers										C	1	
	5984 Liquified Petroleum Gas										C	1	
	5989 Fuel Dealers, NEC												
599	Retail Stores, NEC		P	P			P	P		P	P	1	
	5992 Florists		P	P			P	P		P	P	1	
	5993 Tobacco Stores		P	P			P	P		P	P	1	
	5994 News Dealers/Newsstands		P	P			P	P	<i>P</i>	P	P	1	
	5995 Optical Goods Stores		P	P			P	P		P	P	1	
	5999 Miscellaneous Retail, NEC (except)		P	P			P	P		P	P	1	
a.	Auction Rooms			P*			P*	P*		P*	P*	11	
b.	Fireworks												Prohibit in all districts; Not allowed in City.
c.	Gravestones, Monuments									C*	C*	4	Requires compliance with 3-600; Permit without Conditional Use permit if all sales, display, and storage is within an enclosed building; Classify uses involving any work on stones other than lettering, finishing or shaping to custom order as 3281.
d.	Pet Shops (Ord. 3848/1-2-07)		P	P			P	P		P	P	1	Permits only boarding of animals for sale unless classified as 0752.
e.	Sales Barns, Flea Markets							C*		C*	C*	1	Prohibits outdoor activity unless specifically approved on the Conditional Use permit.
f.	Swimming Pool, Spa Sales									C*	C*	8	Requires compliance with 3-600; Permit without Conditional Use permit if all sales, display, and storage is within an enclosed building.

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<b>H. FINANCE, INSURANCE, REAL ESTATE</b>													
<b>60</b>	<b>DEPOSITORY INSTITUTIONS</b> (Banks, Savings, Credit Unions)	P	P	P			P	P		P	P	3	
	a. Alternative financial establishments		C	C						C	C	1	Requires compliance with 3-505
<b>61</b>	<b>NONDEPOSITORY INSTITUTIONS</b>	P	P	P			P	P		P	P	3	
	a. Alternative financial establishments		C	C						C	C	1	Requires compliance with 3-505
<b>62</b>	<b>SECURITY, COMMODITY SERVICES</b>	P	P	P			P	P		P	P	3	
<b>63</b>	<b>INSURANCE CARRIERS</b>	P	P	P			P	P		P	P	3	
<b>64</b>	<b>INSURANCE AGENTS, BROKERS</b>	P	P	P			P	P		P	P	3	
<b>65</b>	<b>REAL ESTATE</b> (except)	P	P	P			P	P		P	P	3	
	6553 Cemetery Development/Operation	C	C	C		C	C	C		C	C	28	
<b>67</b>	<b>HOLDING &amp; OTHER INVESTMENT COMPANIES</b>	P	P	P			P	P		P	P	3	
<b>I. SERVICES</b>													
<b>70</b>	<b>HOTELS, CAMPS, OTHER LODGING PLACES</b>			P			P	P		P	C	27	General service hotel/motel requires a minimum of 150 guest rooms and shall meet the design standards of Sec. 3-506.
701	Hotels, Motels												
	a. General Service Hotel/Motel (Ord. 3137/2-3-97; Ord. 3963/6-16-08)												
	b. Limited Service Hotel/Motel (Ord. 3137/2-3-97)			C			C	C		C	C	27	Limited service hotel/motel includes any facility which does not meet the design conditions specified under "general services" hotel/motel.
702	Rooming, Boarding Houses											27	See Table 2-203.
703	Camps, Trailing Parks									C	C	28	
704	Hotel, Lodging (Membership)											27	See Table 2-203.
<b>72</b>	<b>PERSONAL SERVICES</b>												(Conditional Use Permit required in TERRA only, for facilities larger than 3,500 square ft.)
721	Laundry, Cleaning, Garment Svcs									P*	P*	1	
	7211 Power Laundries, Family & Agents									P	P	1	
	7213 Linen Supply									P	P	4	
	7215 Coin Operated Laundries/Dry Cleaning		P	P			P	P		P	P	1	
	7216 Dry Cleaning Plants, except Rug Cleaning									P	P	4	
	7217 Carpet, Upholstery Cleaning									P	P	4	
	7218 Industrial Launderers									P	P	4	
	7219 Laundry, Garment Services, NEC		P	P			P	P		P	P	1	Include laundry pick-up stations.
722	Photographic, Portrait Studios	C	P	P			P	P		P	P	3	
724	Barber Shops		P	P			P	P		P	P	1	
723	Beauty Shops		P	P			P	P		P	P	1	
725	Shoe Shine & Repair, Hat Cleaning		P	P			P	P		P	P	1	

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	Shop												
726	Funeral Service, Crematories (except)	P	P	P			P	P		P	P	16	
	a. Crematories									C	C	28	
729	Miscellaneous Personal Services												
7291	Tax Preparation Services	P	P	P			P	P		P	P	3	
7299	Miscellaneous Personal Services NEC (except)		P	P			P	P		P	P	1	
	a. Massage Parlors, Turkish & Steam Baths									C	C	1	See City Code for additional requirements; Requires licensing.
	b. Body Art/Decoration (Ord. 3309/7-19-99)		C	C			C	C		C	C	1	See definitions. Requires use to be located a minimum of 1,000 feet from the nearest property line of the following uses: any residential district; any lot currently in residential use; any public or provide school or day care center; any library; any park, playground, or other recreation facility, whether commercial, public or non-profit; any church, temple or other place of worship; any City owned property; and any other body/art decoration use. Requires State license.
<b>73</b>	<b>BUSINESS SERVICES</b>												
731	Advertising												
7311	Advertising Agencies	P	P	P			P	P		P	P	3	
	7312 Outdoor Advertising Services							P		P	P	4	
	7313 Media Advertising Representatives	P	P	P			P	P		P	P	3	
	7319 Advertising, NEC			P			P	P		P	P	4	
732	Credit Reporting, Collection	P	P	P			P	P		P	P	3	
733	Reproduction, Stenographic Services												
7331	Direct Mail Advertising Services	P	P	P			P	P		P	P	3	
	7334 Photocopying, Duplicating Services		P	P			P	P		P	P	1	
	7335 Commercial Photography			P			P	P		P	P	3	
	7336 Commercial Art, Graphics Design			P			P	P		P	P	3	
	7338 Secretarial, Court Reporting Services	P	P	P			P	P		P	P	3	
734	Services to Buildings												
7342	Disinfecting, Exterminating			P*			P*	P*		P*	P*	4	
	7349 Building Maintenance Services, NEC			P*			P*	P*		P*	P*	4	
735	Miscellaneous Equipment Rental, Leasing												
7352	Medical Equipment Rental			P			P	P		P	P	4	
	7353 Heavy Construction Equipment Rental									C*	C*	4	Requires compliance with 3-600; Permit without Conditional Use permit if all display and storage is within an enclosed building.
7359	Equipment Rental, NEC		P	P			P	P		P	P	1	See definition of household equipment
	a. Household Equipment Only												

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	b. Equipment, other than household									C*	C*	4	Requires compliance with 3-600; Permit without Conditional Use permit if all display and storage is within an enclosed building.
736	Personnel Supply Services	P	P	P			P	P		P	P	3	Permit labor pools where temporary employees meet on site for transportation in the I district only.
737	Computer, Data Processing Services (except)	P	P	P			P	P		P	P	3	
	a. Computer Equipment Repair		P	P			P	P		P	P	4	
	b. Computer Sales/Rental		P	P			P	P		P	P	1	
738	Miscellaneous Business Services												
	7381 Detective, Guard, Armored Car Services			P			P	P		P	P	4	
	7382 Security Systems Services			P			P	P		P	P	4	
	7383 News Syndicates			P			P	P		P	P	4	
	7384 Photofinishing Laboratories			P			P	P		P	P	4	
	7389 Business Services NEC (except)			C			P	P		P	P	4	
	a. Trading Stamp Services		P	P			P	P		P	P	1	
	b. Post Office Contract Station	P	P	P		C	P	P		P	P	1	
	c. Bail Bond Services (licensed under Texas Occupations Code) (Ord. 4035, 2-16-09)			C						P	P		Not permitted within any overlay district. Shall not be located within 200 ft. of another bail bond business. Premises shall be fully visible from a public street. No outdoor pay phones.
<b>75</b>	<b>AUTOMOTIVE REPAIR, SERVICES</b>							C*	C*	C*	C*	6	Requires parking/storage for rental vehicles to be in addition to spaces required by 3-400; Permit without Conditional Use Permit if all display and storage is within an enclosed building.
	751 Automotive Rental, Leasing												
	7513 Truck Rental, Leasing												
	7514 Passenger Car Rental		P	P			P	P		P	P	6	Requires parking/storage of rental vehicles to be in addition to spaces required by 3-400.
	7515 Passenger Car Leasing		P	P			P	P		P	P	6	
	7519 Trailer, RV Rental, Leasing							C*	C*	C*	C*	6	Requires parking/storage for rental vehicles to be in addition to spaces required by 3-400; Permit without Conditional Use Permit if all display and storage is within an enclosed building.
	752 Automobile Parking (Lots and Structures)		P	P		P	P	P		P	P	28	See definitions; Refers to parking as a principal use.
	a. Automobiles, Trucks, and Vans not exceeding 3/4 ton									P	P	28	See definitions; Refers to parking as a principal use.
	b. Light Load Vehicles									C*	P*	28	
	c. Heavy Load Vehicles												
	753 Automobile Repair Shops		P	P			P	P	P	P	P	6	See definitions.
	a. Minor Automobile Repair												
	b. Major Automobile Repair							P*		P*	P*	6	See definitions; Requires enclosed building located at least 50 feet from any residential district; Requires compliance with 3-600.
	c. Collision Services							C*		P*	P*	6	

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754	Automotive Services, Except Repair 7542 Car Washes, including Detail Shops		C	P			P	P	P	P	P	28	Requires location at least 100 feet from any residential district.
7549	Other Automotive Services (except)							P		P	P	6	
	a. Diagnostic, Inspection Services		P	P			P	P	P	P	P	6	
	b. Towing/Wrecker Service									P*	P*	6	Requires compliance with 3-600; Storage of vehicles on site is prohibited in SS district.
<b>76</b>	<b>MISCELLANEOUS REPAIR SERVICES</b>		P	P			P	P		P	P	4	
762	Electrical Repair Shops 7622 Radio & Television Repair												
7623	Refrigeration, Air Conditioning Repair			P*			P*	P*		P*	P*	4	
7629	Electrical, Electronic Repair, NEC			P			P	P		P	P	4	
763	Watch, Clock, Jewelry Repair		P	P			P	P		P	P	4	
764	Reupholstery, Furniture Repair		C*	P*			P*	P*		P*	P*	4	
769	Miscellaneous Repair Shops 7692 Welding Shops							P*		P*	P*	4	Requires enclosed building located at least 100 feet from any residential district.
7694	Armature Rewinding Shops							P*		P*	P*	4	
7699	Repair Shops, Services, NEC (except)							P		P	P	4	
	a. Camera Repair		P	P			P	P		P	P	4	
	b. Key Duplicating, Locksmiths		P	P			P	P		P	P	1	
	c. Musical Instrument Repair		P	P			P	P		P	P	4	
	d. Office Equipment, Typewriter Repair		P	P			P	P		P	P	4	
	e. Metalsmiths									P*	P*	4	
	f. Boiler, Tank, Cleaning & Repair									P*	P*	4	
	g. Septic Tank Cleaning									P*	P*	4	
	h. Farm Machinery Repair									C*	P*	4	Requires compliance with 3-600.
	i. Heavy Equipment, Machinery Repair									C*	P*	4	
<b>78</b>	<b>MOTION PICTURES</b>												
781	Motion Picture Production			P			P	P		P	P	28	
782	Motion Picture Distribution			P			P	P		P	P	28	
783	Motion Picture Theaters 7832 Motion Picture Theaters (except drive-in)		P	P			P	P		P	P	10	
7833	Drive-in Motion Picture Theaters									C	C	28	
784	Video Tape Rental		P	P			P	P		P	P	1	
<b>79</b>	<b>AMUSEMENT &amp; RECREATION SERVICES</b>												
791	Dance Studios, Schools (except)		P	P			P	P		P	P	1	
	a. Minor Reception Facility						P	P		P	P	11	Requires compliance with 3-508.

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	b. Major Reception Facility							C		C	C	11	Requires buildings to be located at least 500 feet from any residential district. Requires compliance with 3-508.
792	Theatrical Producers, Bands, Entertainers 7922 Theatrical Producers (except)			P		C	P	P		P	P	28	
	a. Ticket Agencies, Entertainment		P	P			P	P		P	P	3	
	7929 Bands, Other Entertainment Groups			P		C	P	P		P	P	28	
793	Bowling Centers			C				C		C	C	19	Requires buildings to be located at least 100 feet from any residential district.
794	Commercial Sports									C	C	10	Prohibits outdoor activities within 500 feet of any residential district; Requires buildings for indoor sports to be located at least 100 feet from any residential district.
799	Miscellaneous Amusement, Recreation Services 7991 Physical Fitness Facilities		P	P		C	P	P		P	P	1	
	7992 Public Golf Course	P	P	P		C	P	P		P	P	14	
	7993 Coin-operated Amusement Gameroom (More than 4 Machines)		C	C			C	C		C	C	11	Requires building to be located at least 300 feet from any church, school, or hospital and 100 feet from any residential district; Requires one customer restroom each for male and female; Requires licensing.
	7996 Amusement Parks (Outdoor)									C	C	13	Prohibits outdoor activities within 500 feet of any residential district.
	7997 Membership Recreation Clubs (except)			C		C		C		C	C	28	
	a. Indoor Sports, Athletic Clubs		P	P		C	P	P		P	P	1	
	b. Country Clubs	C	P	P		C	P	P		P	P	14	
7999	Amusement, Recreation Service, NEC									C	C	13	Prohibits outdoor activities within 200 feet of any residential district.
	a. Outdoor Facilities, Activities (Includes miniature golf, driving ranges, go-cart tracks, skateboard parks, etc.)												
	b. Indoor Facilities, Activities (Includes billiard and bingo parlors, skating rinks, slot car tracks, etc.) (except c-f)			C		C		C		C	C	12	Requires building to be located at least 100 feet from any residential district.
	c. Commercial Art Galleries, Museums	P	P	P		P	P	P		P	P	15	
	d. Sports Instruction (Indoor)		P	P			P	P		P	P	1	
	e. Ticket Agencies, Sports/Recreation		P	P			P	P		P	P	1	
	f. Escape Rooms		P	P		P	P	P		P	P	12	(Ord. 4419 / 3-21-2016)
	g. Recreational and Entertainment Facilities		P	P	P			P		P	P	28	(Ord. 4585 / 8-6-2018)

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<sup>1</sup> Refer to applicable form-based code

**3-203 SCHEDULE OF PERMITTED USES**

Last amended: Ord. 4528 / 12-18-2017 Ord. 3959/5-19-2008; Ord. 3751/7-18-05; Ord. 2650/12-18-89

SIC CODE	USE DESCRIPTION	O	GR	LC	THN K20 NGTC 1	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
<b>80</b>	<b>HEALTH SERVICES</b>												
801	Offices of Doctors of Medicine	P	P	P			P	P		P	P	3	Requires Parking Standard #26 if providing non-emergency outpatient services on a first-come basis with no appointments.
802	Offices of Dentists	P	P	P			P	P		P	P	3	
803	Offices of Doctors of Osteopathy	P	P	P			P	P		P	P	3	
804	Offices of Other Health Practitioners	P	P	P			P	P		P	P	3	
805	Nursing & Personal Care Facilities	P	P	P		P	P	P		P	P	24	
806	Hospitals	C	P	P		P	P	P		P	P	25	
	8062 General Medical, Surgical Hospitals												
	8063 Psychiatric Hospitals	C	P	P		C	P	P		P	P	25	Prohibits buildings housing psychiatric patients within 250 feet of any residential district.
	8069 Specialty Hospitals, except Psychiatric	C	P	P		C	P	P		P	P	25	
807	Medical, Dental Laboratories	P	P	P			P	P		P	P	3	
808	Home Care Services	P	P	P			P	P		P	P	28	
809	Health, Allied Services, NEC												
	8092 Kidney Dialysis Centers	P	P	P			P	P		P	P	3	
	8093 Specialty Outpatient Facilities NEC	P	P	P			P	P		P	P	3	
	8099 Health, Allied Services NEC	P	P	P			P	P		P	P	3	
<b>81</b>	<b>LEGAL SERVICES</b>	P	P	P			P	P		P	P	3	
<b>82</b>	<b>EDUCATIONAL SERVICES</b>												
821	Elementary, Secondary Schools	C	C	C		C	C	C		C	C	21	Requires compliance with 3-509; (Ord. 4562/ 5-7-2018)
822	Universities, Junior Colleges	P	P	P		P	P	P		P	P	22	
823	Libraries	P	P	P		P	P	P		P	P	15	
824	Vocational Schools (except)		P	P		C	P	P		P	P	23	
	a. Truck Driving and Equipment Operating Schools									P	P	23	
829	Schools, Educational Services, NEC		P	P		C	P	P		P	P	23	
<b>83</b>	<b>SOCIAL SERVICES</b>												
832	Individual, Family Social Services	P	P	P		C	P	P		P	P	3	Includes senior citizen centers and day care for the elderly and handicapped.
833	Job Training, Vocational Rehabilitation			P		C	P	P		P	P	3	
835	Child Day Care Services (except)	C	C	P		P	P	P		P	P	20	Requires a circular or similar drive, covered at the building entrance, with loading/unloading space for 1 vehicle for each 500 square feet of gross floor area (not required for drop-in care located in multitenant building); Requires State licensing. (Ord. 2816/6-1-92)
	a. Home Day Care												See 2-203 and Definitions.
836	Residential Care												See 2-203 for Personal Care Home, Community and Group Homes; Classify halfway houses or correctional facilities for delinquents and offenders as 9223; See 2-800 for parking requirements
	Ord. 4210/4-16-2012												
	a. Personal Care Home												
	b. Community Home (6 or fewer persons)												
	c. Group Home (7-15 persons)												
	d. Residential Care Institution (16 or more persons)	C	C	P			P	P		P	P	24	
839	Social Services, NEC			P			P	P		P	P	3	
<b>84</b>	<b>MUSEUMS, ART GALLERIES, ARBORETA, ZOOS</b>												
841	Museums, Art Galleries	P	P	P		P	P	P		P	P	15	

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**3-203 SCHEDULE OF PERMITTED USES**

Last amended: Ord. 4528 / 12-18-2017 Ord. 3959/5-19-2008; Ord. 3751/7-18-05; Ord. 2650/12-18-89

<i>SIC CODE</i>	<i>USE DESCRIPTION</i>	<i>O</i>	<i>GR</i>	<i>LC</i>	<i>THN K20 NGTC 1</i>	<i>CV</i>	<i>MU</i>	<i>CB</i>	<i>SS</i>	<i>C</i>	<i>I</i>	<i>PKNG STND</i>	<i>SPECIAL CONDITIONS</i>
842	Arboreta, Botanical Gardens (except)	P	P	P		P	P	P		P	P	28	
	a. Zoological Gardens	C	C	C		P	C	C		C	C	28	
<b>86</b>	<b>MEMBERSHIP ORGANIZATIONS</b>	P	P	P			P	P		P	P	3	
861	Business Associations												
862	Professional Membership Organizations	P	P	P		C	P	P		P	P	3	
863	Labor Organizations	P	P	P			P	P		P	P	3	
864	Civic, Social, Fraternal Organizations (except)	P	P	P		P	P	P		P	P	12	Permits facilities which involve dancing or a private club (alcohol) only in the LC, CB, C or I districts.
	a. If including commercial amusement and recreation (SIC 79)			C				C		C	C	11	
865	Political Organizations	P	P	P			P	P		P	P	3	
866	Religious Organizations (Churches)	P	P	P		P	P	P		P	P	9	Use Parking Standard #3, if office use only; Permits parsonages.
869	Membership Organizations, NEC	P	P	P		C	P	P		P	P	3	
<b>87</b>	<b>ENGINEERING, ACCOUNTING, RESEARCH, MANAGEMENT SERVICES</b>												
871	Engineering, Architectural, Surveying	P	P	P			P	P		P	P	3	
872	Accounting, Auditing, Bookkeeping	P	P	P			P	P		P	P	3	
873	Research, Development, Testing	P	P	P			P	P		P	P	3	
874	Management, Public Relations	P	P	P			P	P		P	P	3	Classify prisons and correctional facilities as 9223.
<b>88</b>	<b>PRIVATE HOUSEHOLDS</b>												See 2-203: Accessory Uses.
<b>89</b>	<b>MISCELLANEOUS SERVICES, NEC</b>	P	P	P			P	P		P	P	3	
<b>J. PUBLIC ADMINISTRATION</b>													
<b>ALL PUBLIC ADMINISTRATION</b>	<b>(except)</b>	P	P	P		P	P	P		P	P	28	Permits offices of governmental functions; Classify non-office functions according to the nature of the use and permit in districts allowing similar activities.
9223	Correctional Institutions (except)			C			C	C		C	C	28	Includes privately operated and/or managed prisons, correctional facilities, and halfway houses.
	a. Halfway Houses (Maximum 15 persons)	C	C	C		C	C	C		C	C	28	
<b>K. RESIDENTIAL USES</b>													
<b>ALL RESIDENTIAL USES</b>							P	P					Permits housing types set out in R-3, D, and A-3 districts, when in compliance with all regulations and standards for housing type as set out in Part 2; Requires PD district for other types of housing.

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<b>L. ACCESSORY USES AND STRUCTURES</b>													
<b>1</b>	<b>DETACHED ACCESSORY BUILDINGS</b> (Buildings, canopies, fences, signs, swimming pools, antenna, satellite dishes, flagpoles).	P	P	P		P	P	P	P	P	P		Requires compliance with 3-700.
<b>2</b>	<b>PARKING</b>	P	P	P		P	P	P	P	P	P		All parking areas shall comply with the standards set out in 3-400 and 3-600; Parking on unpaved surfaces shall be prohibited. See City code for regulation of heavy load vehicle parking.
<b>3</b>	<b>OUTDOOR DISPLAY AND STORAGE</b>	*	*	*			*	*	*	*	*		Requires compliance with 3-600.
<b>4</b>	<b>PRODUCTION FOR RETAIL SALE</b>		P	P			P	P		P	P		Requires products produced on premises to be sold for retail primarily on the premises, unless production is permitted use in the district.
<b>5</b>	<b>LIMITED RETAIL</b>	P				P							Permits retail/services uses which are allowed in the GR district to be located in the O district when entirely within an enclosed building with no exterior entrance to the retail/service use, no exterior on-site advertising or signs, and occupying no more than 10% of the total building area, provided such uses are secondary and complementary to the main office and provide services primarily to office tenants and clients.
<b>6</b>	<b>REFUSE CONTAINER</b> (Ord. 3496/4-15-02)	P	P	P		P	P	P	P	P	P		Prohibits location in a required front or exterior side yard; Requires screening from adjacent streets and residential districts on three sides by construction of a solid masonry fence at least 6 feet in height, provided that no fence shall be required on any sides which are screened by the location of a building or other screening fence. Masonry materials shall be similar to masonry on the main structure. An opening, a minimum 12 feet in width, shall be provided on the fourth side for access by refuse collectors. Such opening shall be situated so that the container is not visible at an angle of greater than 45 degrees from adjacent streets. The Development Review Committee may approve a container location in a required front or exterior side yard

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Last amended: Ord. 4528 / 12-18-2017 Ord. 3959/5-19-2008; Ord. 3751/7-18-05; Ord. 2650/12-18-89

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													or at a greater angle when no other reasonable location is available and may stipulate additional screening requirements in such circumstances
<b>7</b>	<b>COIN-OPERATED AMUSEMENT DEVICES</b>	P	P	P			P	P	<i>P</i>	P	P		Permits a maximum of 4 machines; Requires licensing; Classify more than 4 machines as primary use under 7993.
<b>8</b>	<b>LANDSCAPE IRRIGATION SYSTEMS</b>	P	P	P		P	P	P	P	P	P		
<b>9</b>	<b>PONDS (Over 1 1/2 feet deep)</b>	S	S	S		P	S	S	S	S	S		
<b>10</b>	<b>DRIVE-THROUGH FACILITIES (Ord. 3019/3-6-95)</b>	P	P	P			P	P	<i>P</i>	P	P		Requires a setback of at least 50 feet from any residential district for any drive-through service; For facilities using remote order station or other remote speakers, requires installation of a masonry noise barrier at least 8 feet in height between the drive-through facility and any residential district, provided that a building shall be considered to be a noise barrier. Requires compliance with 3-402C regarding stacking lanes.

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### 3-300 DEVELOPMENT STANDARDS

The standards set out in following section shall be required for the uses in the districts as indicated, except as otherwise provided.

#### **3-301 LOT, SETBACK, AND HEIGHT REGULATIONS** **Ord. 3959/5-19-2008; Ord. 2650/12-18-89**

	<i>O / CV</i>	<i>GR</i>	<i>LC</i>	<i>MU</i>	<i>CB</i>	<i>SS</i>	<i>C</i>	<i>I</i>
<b>A. MAXIMUM LOT COVERAGE (%)</b>	30	30	50	--	50	30	50	75
<b>B. MINIMUM FRONT AND EXTERIOR SIDE YARDS (FEET)</b>	25	25	25	5	See 3-305	40	25	25
<b>C. MINIMUM INTERIOR SIDE AND REAR YARDS (FEET)</b>								
1. Adjacent to Nonresidential District	0	0	0	0	0	0	0	0
2. Adjacent to A District	15	15	15	15	15	15	15	15
3. Adjacent to AG, R, or D District	25 feet or 2 times the height of the building above the grade at the nearest AG, R, or D district boundary, whichever is greater.							
<b>D. MAXIMUM HEIGHT (FEET OR STORY)</b>								
1. With Setbacks Specified Above (Ft)	75	35	75	1 Story	75	35	75	75
2. Increase Height Permitted With Increased Setbacks (See 3-305)	Yes	No	Yes	Yes	Yes	No	Yes	Yes

#### **3-302 EXTERIOR FIRE RESISTANT CONSTRUCTION REQUIREMENTS**

**Ord. 3656/6-7-04; Ord. 2650/12-18-89**

All main building shall be 100% exterior fire resistant construction, except as otherwise permitted below for the districts and uses indicated. Exterior fire resistant construction shall mean exterior walls constructed of masonry, for all main building on lots in subdivisions for which a final plat was approved on or after July 1, 2004.

Exterior non-masonry materials shall be permitted for purposes of décor. The maximum surface where non-masonry décor is permissible shall not exceed 25% of any one wall and shall be limited to 35 feet in height.

Where buildings with metal exterior siding are permitted, the siding shall be of 26 gauge and shall have a permanent baked-on finish or an alternative finish or comparable durability, which is defined as that finish which has a low incidence of chipping, peeling, blistering, chalking or fading.

##### **A. INDUSTRIAL DISTRICT - METAL BUILDINGS WITH MASONRY FRONT**

In the I district, buildings with metal exterior siding, such as Delta or Butler type steel buildings, are permitted, provided that a 100% masonry front is required on any side(s) of the building facing a public or private street.

##### **B. COMMERCIAL, CENTRAL BUSINESS, AND MIXED USE DISTRICTS - METAL BUILDINGS WITH MASONRY FRONTS/CONDITIONAL USE PERMIT REQUIRED**

In the C, CB, and MU districts, buildings with metal exterior siding, such as Delta or Butler type steel buildings, may be permitted subject to approval of a Conditional Use Permit in accordance with the procedures set out in 5-300, and provided that a 100% masonry front is required on any side(s) of the building facing a public or private street and that a masonry "wrap" is required to extend a minimum distance of 20 feet or 20% of the building length, whichever is greater, along the sides of the building extending away from the public or private street. The Conditional Use Permit approval may require a "wrap" to extend a greater distance along the side(s) of the building if considered necessary or desirable due to the location of the building relative to adjacent buildings, the proximity of residential areas, architectural consistency, or similar factors.

**C. DELETED (Ord. 3396/11-6-00)**

**D. CENTRAL BUSINESS DISTRICT - WOOD EXTERIOR BUILDINGS**

The commercial occupancy of existing wood exterior residences may be permitted in the CB district, subject to compliance with 3-503.

**3-303 DELETED**

**Ord. 3129/12-16--96**

(See Part 1A for District Screening and Buffering Regulations)

**3-304 DELETED**

**Ord. 3129/12-16-96**

(See Part 1A for Landscaping Requirements)

**3-305 PERMITTED MODIFICATION OF STANDARDS**

**Ord. 3959/5-19-2008; Ord. 2650/12-18-89**

**A. MINIMUM FRONT YARD SETBACK - CENTRAL BUSINESS DISTRICT**

No front or exterior side yards are required in the CB district, provided that all structures shall be a minimum of 11 feet behind the curb line of a public street and that no structure shall be erected so as to create a visibility obstruction.

**B. BUILDINGS OVER 75 FEET - O, CV, LC, C, CB, AND I DISTRICTS**

Buildings exceeding 75 feet in height shall be permitted in the O, CV, LC, C, CB, and I districts, provided that the setback from all street lines is increased one foot for each two feet in height above 75 feet. (See required rear and interior side setbacks if adjacent to a residential district.)

**C. BUILDINGS OVER ONE STORY - MU DISTRICT**

Buildings exceeding one story in height shall be permitted in the MU district, provided however that no building shall exceed 3 stories in height and that the setbacks from all street lines are increased two feet for each story over one story.

**D. OFFICE**

In the GR district, the maximum height of office buildings shall be regulated by the height and setback regulations set out in the O district.

**E. ACCESSORY STRUCTURE REGULATIONS**

Accessory structures shall be regulated in accordance with 3-700.

## 3-400 OFF-STREET PARKING AND LOADING REGULATIONS

### **3-401 GENERAL PARKING REGULATIONS**

**Ord. 2650/12-18-89**

#### **A. OFF-STREET PARKING REQUIRED**

Off-street parking spaces shall be provided in conformance with these regulations whenever a use is established or enlarged. Required spaces shall be on the building site of the use for which they are provided, unless otherwise permitted, and may be provided in either surface parking areas or garages. Whenever there is a change in use, in floor area, or in any other unit of measurement used to determine the requirements for off-street parking spaces, additional spaces shall be provided on the basis of the increased requirement.

#### **B. USE OF REQUIRED SPACES**

Required off-street parking and loading spaces shall be used only for their respective purposes and shall not be used for storage or display of vehicles or trailers for sale or rent, the storage or display of other goods, materials or products, or the location of refuse storage containers. No required parking space may be placed in front of an overhead door or other point used for vehicular access.

#### **C. SUBMISSION OF PLANS**

Applications for building permits and Certificates of Occupancy shall include parking plans showing the design of off-street parking areas, including the layout of spaces, aisles, and the location of ingress and egress points. Parking plans shall be approved by the Development Review Committee. Submission of a parking plan may be waived when it is not necessary to determine compliance with requirements.

#### **D. CALCULATIONS**

The following rules shall apply in computing the parking requirement.

1. **Combination Uses** When a building site is used for a combination of uses, the parking requirement shall be the sum of the requirements for each type of use.
2. **Floor Area** Floor area shall mean gross square footage, except in the case of office and retail type uses where areas used for nonpublic purposes, such as storage, incidental repair, processing or packaging, show windows, offices incidental to management or maintenance, restrooms, or utility rooms, may be discounted, but shall require one space per 750 square feet of such use.
3. **Continuous Seating** When seating is provided on benches or pews, each 18 inches of such seating shall be counted as one seat for the purpose of calculating the parking requirement.
4. **Fractions** When a calculation results in the requirement of a fractional space, a fraction of less than one-half shall be disregarded and a fraction of one-half or greater shall require one parking space.

### **3-402 PARKING LAYOUT AND CONSTRUCTION STANDARDS**

**Ord. 2650/12-18-89**

Every parcel of land hereafter used as a public or private parking area, including commercial parking lots and vehicular display/storage areas, shall be developed and maintained in accordance with the following requirements.

#### **A. MINIMUM SIZE AND SETBACKS**

Each parking space shall be a minimum of 9 feet by 18 feet, exclusive of access drives and aisles. The 18 foot depth may include a 2 foot overhang over a paved, stoned, mulched, or grassy area which is free of obstructions, or over a sidewalk, provided that at least 3 feet of sidewalk remains unobstructed for pedestrian movement. No space shall overhang a property line, a right-of-way line, or a landscape area which is included as part of the minimum landscape requirement. Every space shall be at least 11 feet from the curb line of a public or private street.

1. **Wheel Stops Required** In any parking space which faces toward a property line or a building, a wheel stop and/or a curb shall be provided which prevents a vehicle from extending across the property line or hitting the building.
2. **Parallel Parking** The minimum paved dimension for a parallel parking space shall be 8 feet by 22 feet.

**B. ACCESS**

There shall be adequate provision for safe, efficient ingress and egress to all off-street parking spaces. Except for single family and duplex residential uses, no parking space may require the use of a public right-of-way or a private street for the maneuvering of a vehicle in entering or leaving the space.

1. **Aisle Width** The standard parking aisle width shall be a minimum of 24 feet, provided that a reduced width may be approved by the Development Review Committee when the parking layout includes angled parking, one-way aisles, or other special features which comply with other applicable City standards and generally accepted practices of parking lot layout.
2. **Fire Lanes** When a parking aisle is also serving as a fire lane, then the aisle must meet the minimum width, radius, and construction standards for a fire lane, if these are greater than the requirements for a parking aisle.
3. **Residential Alleys** No access from a nonresidential use shall be permitted to an alley serving a residential district.

**C. DRIVE THROUGH FACILITIES**

Any facility offering drive-through service shall provide stacking lanes which are a minimum 8 feet in width and which provide direct forward access to each service window, station, or other point of service. Such stacking lane shall be marked and shall be separate from any other driveway, parking space, or aisle. Stacking lanes shall be measured from the point of service and shall provide 20 feet per vehicle. Common stacking lanes for several service points may be used for financial and restaurant uses, provided that separate stacking for at least 3 vehicles is provided for each point of service before stacking is merged into a common lane.

1. **General** Unless otherwise specified below, each service point shall be provided with a stacking lane for a minimum of 3 vehicles.
2. **Financial** Each teller station at a drive-through financial institution shall be provided with a stacking lane for a minimum of 5 vehicles.
3. **Restaurant** Each remote ordering station and each service window at a restaurant with drive-through service shall be provided with a stacking lane for a minimum of 5 vehicles.

**D. SURFACING (Ord. 3862/4-16-07)**

Except as provided herein, all parking spaces and access drives shall be surfaced with asphalt or concrete pavement. All pavement must be of sufficient strength to support the heaviest vehicular loads imposed on it and shall be so graded and drained to dispose all surface water in accordance with requirements of the City of Mesquite, and shall be marked to provide for orderly and safe loading, unloading, parking and storage of vehicles. All surfaces shall be maintained in good condition, generally free of potholes, cracks or broken pavement and allowing uninhibited access to all parking and loading spaces, or drives.

1. **Single-Family and Duplex Residential** Single-family and duplex residential drives and parking shall be surfaced with concrete.
2. **Industrial Districts** For industrial-zoned parcels that do not abut a residential district or use, the Development Review Committee may approve recycled concrete pavement for private parking areas used to store or park oversized vehicles. Such parking areas shall be designed and maintained according to specifications approved by the City Engineer and subject to demonstrated compliance with the particulate standards of Section 1-400.

## **E. LIGHTING**

All parking areas in a nonresidential district which are used after dark, shall be illuminated beginning one-half hour after sunset, continuing throughout the hours of use. If only a portion of the parking area is offered for use after dark and is clearly marked, then only that part is required to be illuminated in accordance with these standards. Lighting shall meet the following minimum standards

1. **Intensity** An average of at least one foot candle, initial measurement, and at least one-half foot candle on a maintained basis on the parking lot surface. A minimum at any point of at least 0.3 foot candle initial, and at least 0.2 foot candle maintained 1/3 of the average, whichever is greater.
2. **Fixtures** Light sources shall be indirect, diffused or shielded type fixtures installed to deflect the light from adjoining properties in residential districts and from boundary streets. Bare bulbs above 15 watts are prohibited. Fixtures shall be mounted to buildings or on poles. Strings of lights are prohibited.

## **3-403 SPECIAL EXCEPTIONS**

**Ord 2650/12-18-89**

The Board of Adjustment may authorize the following Special Exceptions, where it finds that the peculiar nature of the use, the shape or size of the property, or other exceptional conditions would justify such action and could be accommodated without adverse impacts on adjacent properties or the surrounding neighborhood.

### **A. OFF SITE PARKING**

To allow required parking spaces to be provided on a building site other than that of the use for which the spaces are required. In general, such exception may be considered for employee parking or for institutional type uses such as hospitals, churches, or other uses where longer term parking is common. A permanent and irrevocable easement of the parking facilities in favor of the premises to be benefited thereby shall be dedicated and recorded in Dallas County records as a condition of such use.

### **B. JOINT USE PARKING**

To allow joint use or collective parking. Joint use parking shall mean that required spaces provided for one use may also be credited as required spaces for a complementary use. A permanent and irrevocable easement of the parking facilities in favor of the use to be benefited thereby shall be dedicated and recorded in Dallas county records as a condition of such use.

The following definitions and examples shall be used as guidelines in considering requests for joint use parking.

1. **Complementary Uses** Complementary uses are uses which generally operate at different time periods, so that one use is inactive when the other is active.
2. **Joint Use Percentage** The percentage or number of spaces which is allowed to be shared should be related to the proportion or number of spaces which will be available during the period of relative inactivity.
3. **Examples** If an office parking lot is generally 90% vacant in the evenings and on weekends, then 90% of the spaces might be credited as also providing the parking for a church which operates primarily in the evenings and on weekends. Or, if a church parking lot is generally 50% vacant on weekdays, then 50% of the spaces might be credited as also providing the parking for an office which operates only on weekdays. Theaters and other evening/weekend entertainment uses may be another example of a use that might share parking with an office, bank, church, or other complementary use.

**C. PARKING REDUCTION (Ord. 4400/11-2-15)**

The Board may approve a reduction in required parking if the use meets the criteria for a special exception in Section 5-203(A), and the Board finds that the reduction in parking will not adversely impact parking on adjacent properties, the provision of public safety, or unreasonably impede the public right-of-way. As a guideline for evaluating a mixed-use development, the Board may consider the Shared Parking Factors in Section 4-954 and the availability of public parking within proximity of the site.

**3-404 NUMBER OF PARKING SPACES REQUIRED Ord. 2650/12-18-89**

The following regulations shall apply in determining the number of parking spaces required for a specific use or combination of uses.

**A. LISTED USES**

Parking requirements for residential uses are specified in 2-400. For nonresidential uses, each category is assigned a "Parking Standard". The number of off-street parking spaces required for a specific nonresidential use shall be determined by reference to 3-203 and 3-405.

**B. USES NOT LISTED**

For any use not listed, or where the listed standard is not applicable in the judgment of the Development Review Committee, the parking requirements shall be established using the requirement of a similar use which is listed or an applicable standard from another source. Such determination by the Development Review Committee may be appealed to the Board of Adjustment.

**C. HANDICAPPED PARKING (Ord. 2816/6-1-92)**

Parking for the handicapped and disabled shall be provided as part of the required parking in accordance with the requirements of the Americans with Disabilities Act.

**3-405 TABLE OF PARKING STANDARDS - NONRESIDENTIAL USES Ord. 2650/12-18-89**

<i>Parking Standard Group</i>	<i>Type of Use</i>	<i>Parking Spaces Required</i>
1	Retail/Personal Services - General	1 space for each 250 square feet of floor area for buildings less than 10,000 square feet; 40 spaces plus 1 space for each 200 square feet of floor area in excess of 10,000 square feet for buildings over 10,000 square feet. Additional spaces per #7 are required for any use with an approved outdoor sales/display area.
2	Retail - Large Items	1 space for each 400 square feet of floor area. (Furniture, major appliance, carpet or similar store which sells primarily items which are large and bulky.)
3	Offices/ Animal Clinics	1 space for each 300 square feet of floor area.
4	Commercial/ Trades	1 space for each 300 square feet of office/display area plus 1 space for each 750 square feet of storage/plant area.
5	Manufacturing/ Warehousing	1 space for each 300 square feet of office/display area plus 1 space for each 1000 square feet of storage/plant area.
6	Vehicle Services/ Repairs	1 space for each 500 square feet of floor area, but not less than 5 spaces minimum.
7	Outdoor Sales/ Display	1 space for each 2000 square feet of site area used for sales/display.
8	Outdoor Display Lots/ Outdoor Operations	1 space for each 10,000 square feet of site area. (Outdoor sales lot, mining, sand and gravel storage, tank farm, etc.) Spaces shall be in addition to display/storage areas.
9	Churches	1 space for each 5 seats in the sanctuary or auditorium.
10	Public Assembly	1 space for each 4 seats. (Theater, with Fixed Seating, sports arena, spectator activity, etc.)
11	Public Assembly without Fixed Seating	1 space for each 50 square feet of assembly area. (Auction room, dance hall, indoor commercial recreation, etc.)

<i>Parking Standard Group</i>	<i>Type of Use</i>	<i>Parking Spaces Required</i>
12	Indoor Sports Clubs/ Billiard Parlors, Lodge Halls	1 space for each 100 square feet of floor area.
13	Outdoor Recreation	1 space for each 600 square feet of site used for recreation. (Miniature golf course, amusement park, etc.)
14	Golf Courses/ Country Clubs	1 space for each 150 square feet of floor area plus 5 spaces per green.
15	Cultural	1 space for each 250 square feet of floor area. (Museum, library, art gallery, etc.)
16	Funeral Homes/ Mortuaries	1 space for each 300 square feet of floor area exclusive of chapel plus 1 space for each 4 seats in the chapel.
17	Restaurants without Private Clubs	1 space for each 3 seats or 1 space for each 100 square feet of floor area, whichever is greater.
18	Restaurants with Private Clubs	1 space for each 2 1/2 seats or 1 space for each 75 square feet of floor area, whichever is greater.
19	Bowling Alleys	4 spaces for each lane.
20	Day Care Centers/ Service Stations	1 space for each 500 square feet of floor area.
21	Schools	Elementary: 2 spaces for each classroom Middle School: 4 spaces for each classroom High School: 10 spaces for each classroom
22	Colleges/ Universities	1 space for each 2 students.
23	Trade/ Business/ Vocational Schools	1 space for each fixed seat or 1 space for each 10 square feet of seating area.
24	Nursing Homes/ Residential Care	1 space for each 4 beds.
25	Hospitals	1 space for each bed, excluding bassinets.
26	Medical Clinics/ Passenger Terminals	1 space for each 150 square feet of floor area. (See #3 for medical office).
27	Hotels/ Motels/ Boarding Houses	1 space for each sleeping unit, plus specified requirements for restaurants, meeting rooms, and related facilities.
28	Miscellaneous	The parking requirement shall be established by the Development Review Committee using the standard of a similar use or an applicable standard from another source. The requirement established by the Development Review Committee may be appealed to the Board.

**3-406 OFF-STREET LOADING REQUIREMENTS**

**Ord. 2650/12-18-89**

In any district, in connection with any building or part thereof hereafter erected or altered which is to be occupied by uses requiring the receipt or distribution by truck of materials or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading space in accordance with the following schedule:

Floor Area of Building in Square Feet	Total Number of Off-Street Loading Spaces
Less than 10,000	1
Over 10,000 to 20,000	1
Over 20,000 to 40,000	2
Over 40,000 to 60,000	3
Over 60,000 to 80,000	4
Over 80,000 to 100,000	5

Where the floor area of the building exceeds 100,000 square feet, the number of off-street loading spaces shall, in addition to the above, provide one space for each additional 100,000 square feet of floor space.

**A. DIMENSIONS**

Each loading space shall be not less than 10 feet in width, 25 feet in length, and 14 feet in height.

**B. LOCATION**

Such space may occupy all or any part of any required side or rear yard except the side yard along the side street in case of a corner lot. In no event shall any part of a required front yard be occupied by such loading space.

**C. DISTANCE**

No such space shall be closer than 50 feet to any other lot located in any residential district, unless wholly within a completely enclosed building or unless enclosed on all sides by a masonry wall not less than six feet in height.

### 3-500 SUPPLEMENTARY USE REGULATIONS

#### **3-501 DELETED**

**Ord. 2650/12-18-89**

(See 3-602 for Outdoor Sales Lot Regulations)

#### **3-502 MINIWAREHOUSING**

**Ord. 2650/12-18-89; 3105/8-19-96; 3308/7-19-99; 4269/7-1-13**

Miniwarehousing shall mean those facilities designed for self-storage by patrons in individual, compartmentalized, controlled-access stalls or lockers. Miniwarehousing shall comply with the following standards.

##### **A. USE PROVISIONS**

1. ***Dead Storage*** Miniwarehousing shall be used for storage purposes only, and not for any other use, processing, services, or activities. Outdoor storage is prohibited in conjunction with this use except as listed below.
2. ***Recreational Vehicle Storage*** A miniwarehousing use may include recreational vehicle, boat (water craft) and automobile storage, provided that the storage area is screened from view and paved. The site plan/concept plan must show the designated parking/storage area. No parking/storage of recreational vehicles or boats shall be allowed adjacent to a residential district. This accessory use is permitted in the Industrial District and may be allowed only when specifically permitted by a Conditional Use Permit in the Commercial District or specifically requested and approved in a Planned Development District.
3. ***Apartment*** One apartment, located in the principal building, shall be permitted for use by an on-site manager/security guard.

##### **B. PARKING AND ACCESS**

1. ***Paving*** All drives, parking, loading and vehicular circulation areas shall be paved in accordance with Section 3-400
2. ***Office Parking*** One parking space shall be required in the office/apartment area for each 10,000 square feet of floor area in the miniwarehousing development. These spaces are in addition to the required loading areas.
3. ***Fire Lanes*** Continuous marked fire lane access is required throughout the project. Fire lanes shall be a minimum 22 feet in width with 30-foot interior radius and 50 foot exterior radius unless otherwise permitted by the Fire Code.
4. ***Loading Area*** A continuous loading area, a minimum 8 feet in width, shall be provided for parking and loading in addition to the fire lane along any building face where there is access to the storage units.

##### **C. DESIGN CRITERIA**

Miniwarehouse/self-storage projects shall be developed in the “fortress design” so that the rear of the buildings have no doors, windows or other openings facing outward. Buildings shall be connected by masonry walls designed to match the building exterior except at the entrance area, where wrought iron fencing may be utilized. The following standards shall also apply.

1. ***Separation*** The minimum separation between buildings shall be 20 feet, provided that additional separation will be necessary where loading areas and fire lanes are required.

2. **Screening** Projects shall be designed with solid exterior masonry walls with no openings, so that access doors to the storage units are not visible from the public sides of the project. Unless lined, buildings shall be connected by masonry walls, 8-feet in height, designed to match the building exterior except at the entrance area, where wrought iron fencing may be used.
3. **Liners** The outermost wall of buildings with storage units and any connecting walls shall have liner buildings with leasable space for the first and second stories along collector, arterial and highway frontage streets. "Leasable space" shall mean an enclosed area designed and intended for any use permitted in the district, except self-storage or warehousing, which requires a valid certificate-of-occupancy and the physical presence of one or more persons to conduct the use.
3. **Office/Apartment** The leasing office, manager's apartment shall be 100% masonry with a "residential-style" design, including materials, doors, windows, roofing, roof pitch, etc., typically used in residential design and construction and shall not exceed one-story in height if adjacent to a residential district. In areas adjacent to nonresidential districts, the zoning district height limit shall apply.
4. **Exterior Appearance** All building exteriors shall be 100% masonry. Principal facades shall comply with the Community Appearance Manual; provided that on the façade of unlined buildings and connecting walls fronting a local street, the Transparency Principle shall not apply and shall include articulated columns, pilasters or other design features with a minimum relief from the wall of 12 inches.
5. **Setbacks** The minimum setback adjoining any residential district line shall be 10-feet; provided that the rear of the buildings may be utilized as the required screening wall. All other district setback lines shall apply.
6. **Building Height** Maximum building height adjacent to a residential district line shall be one-story, generally limited to a maximum of 11-feet. In areas adjacent to nonresidential districts, the district height limit shall apply.
7. **Landscaping** Professionally designed landscaping, fully irrigated, shall be provided on all public sides of the property and shall include at a minimum, foundation plantings and a tree line. A buffer tree line shall be established within the 10-foot landscape strip adjoining a residential district in accordance with Section 1A-301.
8. **Mechanical Equipment** No roof-mounted equipment shall be allowed.
9. **Signage** Signage shall be limited to wall and monument signs, i.e. no pole signs shall be permitted.
10. **Lighting** Lighting shall be installed with no fixtures extending above the rooflines and/or shining toward the residential district.

**3-503 COMMERCIAL OCCUPANCY OF FRAME BUILDINGS - CB DISTRICT Ord. 2650/12-18-89**

The conversion of existing frame residences for occupancy by office and retail uses shall be permitted in the CB district, subject to compliance with the following conditions.

**A. PERMITTED USES**

1. **Retail Uses** Uses permitted in the GR district may be permitted to occupy frame residences.

2. **Accessory Buildings** One detached accessory building (new or existing) may be permitted on the same lot behind the principal structure.
3. **Outside Storage** No outside display, sales, or storage shall be permitted in conjunction with the occupancy of a frame residence.

**B. STANDARDS**

1. **Front Yard** The existing front yard setback shall be maintained as open space and permanently landscaped.
2. **Parking** An off-street parking lot, located behind the front building line, is required and shall meet the standards set out in 3-400.
3. **Signage** One wall sign, not exceeding 18 square feet, and one identification sign in the front yard, not exceeding 4 square feet in area or 36 inches in height, may be permitted. The Mesquite Sign Ordinance shall apply in all other respects.
4. **Minimum Code Compliance** The building shall meet minimum fire and electrical requirements for commercial occupancy and shall be structurally sound. Paint must be maintained in good condition so as to protect the wood.
5. **Additions** Additions to any main building shall be of 100% exterior masonry materials.

**C. SITE PLAN APPROVAL**

A detailed site plan showing all existing and proposed features and improvements must be reviewed and approved by the City Council prior to the issuance of a Certificate of Occupancy. The Council shall consider compliance with the general requirements of the CB district and the criteria contained herein, as well as the use to which the property is to be subjected; the location, proximity, and nature of adjoining and surrounding property; and the enhancement or detriment to the revitalization of the downtown area.

In considering the site plan, the Council may add or waive restrictions and such variation, when embodied in the minutes and attached to the approved site plan, shall have the force of ordinance as same shall relate to the commercial occupancy of the frame residence on the subject property.

**D. CERTIFICATE OF OCCUPANCY REVIEW**

The Certificate of Occupancy shall be subject to review annually. The failure to continue to comply with the provisions of this section and the site plan approval shall constitute a basis to revoke the Certificate of Occupancy. See 5-101C.4.

**3-504 REFUELING STATIONS Ord. 2650/12-18-89; Ord. 3751/7-18-05; Ord. 4528/12-18-2017; Ord. 4771 / 3-16-2020**  
Refueling stations, except the sale of aviation fuel at an airport, shall comply with the following regulations:

**A. GENERAL REQUIREMENTS**

All refueling stations shall conform with the following requirements:

1. **Lot Requirements** A minimum of 12,000 square feet with a minimum 120-foot width shall be required.
2. **Drive Approaches** Drive approaches shall comply with Section 15-150, Access Management and Driveway Standards of the City Code.
3. **Pump Islands** Pump islands shall be set back a minimum of 25 feet from any street right-of-way line.

4. **Residential Separation** Pump islands shall be located a minimum of 500 feet from any residential district.
5. **Emergency Shut-off** All self-service facilities shall provide an emergency shut-off switch, to completely eliminate the flow of fuels from all pumps in an emergency situation.
6. **Masonry Columns (Ord. 3396/11-6-00)** Columns and/or other supports for the canopy shall provide a masonry exterior finish which matches the exterior masonry construction of the structure.

**B. SERVICE STATIONS**

The following requirements shall apply to all properties where fuel sales are conducted:

1. **Use Regulations** Service station district zoning shall be required, except when limited fuel sales are permitted. A property used as a service station shall include the sale of fuel as a primary use and may include only the following activities in conjunction therewith: Minor automobile repair; sale of parts and accessories; car washing; sale of drinks, package foods, tobacco, maps and other similar convenience goods; wrecker service, not including the storage of vehicles on site; and truck and/or trailer rental when approved as a Conditional Use Permit in accordance with 3-600. Uses specifically prohibited include major automobile repair, collision service and the storage of vehicles on site.  
  
Note: Uses permitted only in conjunction with fuel sales shall be indicated with an italicized P (*P*) in the schedule of permitted uses, Section 3-203.
2. **Convenience Stores** The operation of a convenience store shall be permitted in conjunction with fuel sales in accordance with Section 3-203.
3. **Outdoor Storage** No outdoor storage shall be permitted in conjunction with a service station.
4. **Removal of Site Improvements** Associated service station site improvements, i.e., fuel pump islands, canopies, freestanding car washes, shall be removed from a site where the sale of fuels has been discontinued for a period of six months. All signage relating to the sale of fuels shall be removed per Section 13-71 of the City Code. Underground storage tanks shall be removed or abandoned in place as required by applicable provisions of Chapter 6, Fire Prevention and Protection, as amended.
5. **Eating Places (Ord. 4201/2-6-2012)** The operation of an Eating Place (SIC 5812) shall be permitted in conjunction with fuel sales.

**C. LIMITED FUEL SALES (Ord. 3396 / 11-6-00; Ord. 4543 / 3-05-2018)**

Limited fuel sales are permitted in conjunction with the operation of a convenience store in all districts which permit convenience stores. To qualify as limited fuel sales, only one limited service refueling area, generally limited to servicing no more than eight vehicles at a time, is permitted. One pump island with four pumps or two related pump islands with two pumps each shall be deemed to be limited service fueling areas. Heavy load vehicle refueling and limited fuel sales shall not be located on the same lot unless expressly authorized by a conditional use permit.

**D. HEAVY LOAD VEHICLE REFUELING (Ord. 4528 / 12-18-2017; Ord. 4543 / 3-05-2018)**

A refueling station for heavy load vehicles may be permitted by Conditional Use Permit in the Commercial and Industrial zoning districts, subject to the following requirements and such other conditions as the City Council may establish:

1. **Access** Refueling stations for heavy load vehicles shall be located on parcels with a principal frontage abutting a federal highway or a designated truck route.
2. **Spacing** A refueling station for heavy load vehicles shall not be located on a parcel that is less than 1,000 feet from another refueling station for heavy load vehicles, or on a parcel

that abuts any property zoned or used for residential, or elementary or secondary school purposes, or that is located less than 5,000 feet from any property zoned or used for residential purposes when measured in a straight line between the nearest points where the residential property and the refueling station touch the street right-of-way.

3. ***Anti-Idling*** Drivers of heavy load vehicles shall comply with the City of Mesquite anti-idling ordinance, if applicable. The owner or operator of the refueling station shall erect and maintain anti-idling signs at locations approved by the Building Official, which provide reasonable notice to drivers of such ordinance.
4. ***Unmounted Trailers*** Unmounted trailers shall be prohibited on the premises.
5. ***Security*** The refueling station shall provide security personnel during all business hours and operating security cameras at locations throughout the premises as required by the Building Official.
6. ***Parking*** It shall be unlawful for the operator of any heavy load commercial vehicle to park, or for the owner or operator of the refueling station to allow, suffer or permit a heavy load commercial vehicle to park, on the premises of a refueling station in excess of four hours.
7. ***Fuel Sales*** Heavy load vehicle refueling and limited fuel sales shall not be located on the same lot unless expressly authorized by a conditional use permit.

**3-505 ALTERNATIVE FINANCIAL ESTABLISHMENTS** **Ord. 3932 / 02-18-08**

In addition to requiring a Conditional Use Permit, an Alternative Financial Establishment, as defined in Section 6-102, shall comply with the following regulations:

- A. A lot containing an alternative financial establishment shall be located at least 1,000 feet from any lot containing another alternative financial establishment, as measured in a straight line between the nearest points of one lot to the other lot.
- B. A lot containing an alternative financial establishment shall be located at least 200 feet from any lot zoned or used for residential purposes, as measured in a straight line between the nearest points of one lot to the other lot.
- C. No lot containing an alternative financial establishment shall be located within 500 feet of the rights-of-way of U.S. Highway 80, I-30, I-20 or I-635.
- D. No alternative financial establishment shall be permitted with the Town East Retail and Restaurant Overlay District (TERRA), the Mesquite Arena/Rodeo Entertainment District (MARE), the Military Parkway-Scyene Corridor Overlay District (MP-SC) or the Sherwood Forest Overlay District (SF).
- E. Alternative financial establishments shall be situated only within a freestanding building and shall not be co-located in the same structure as other uses.

**3-506 GENERAL SERVICE HOTEL / MOTEL** **Ord. 3963 / 06-16-08**

In addition to the minimum number of guest rooms specified in Section 3-203, a general service hotel / motel shall comply with the following design and amenity standards:

**A. INTERNAL HALLWAYS**

All guest rooms of the hotel shall have their primary access through internal hallways, and all hallways shall be accessible from a central lobby.

**B. MEETING ROOM AND BUSINESS CENTER**

The hotel shall contain a meeting room and a separate business center. The space designated as the meeting room shall be at least 4,000 square feet and shall be clearly identified on the building plans. The room shall be used primarily for the purpose of holding meetings, banquets or events sponsored or conducted by organizations having one or more representatives who are guests at the hotel, or by outside entities for a fee. The room shall be equipped at a minimum with tables, chairs and a lectern. The business center shall be equipped with at least two computers with Internet access, two printers, and a facsimile machine.

**C. RECREATIONAL FACILITY**

The hotel shall include an indoor or outdoor swimming pool, an indoor fitness center, or both. Separate dressing rooms shall be provided for men and women. If provided, the swimming pool shall have a minimum surface area of 800 square feet. If provided, the fitness center shall be key-restricted to guests of the hotel, be supplied with cardio-equipment, free or static weights, video screens, a drinking fountain, and towel service.

**D. RESTAURANT**

A restaurant shall be located within the hotel or attached by an enclosed hallway. The restaurant shall include seating for a minimum of fifty customers and offer menu service with wait staff for two of three meal periods during the day (e.g., breakfast-lunch, lunch-dinner). The restaurant must be classified as a Class I restaurant by the City of Mesquite, and a certified food manager shall be on duty whenever meals are being served. Hotel guests shall have the option to charge meals to their hotel accounts. Drive-through service is prohibited.

**E. EXTERIOR APPEARANCE**

All elevations of the hotel shall be considered primary facades for purposes of the Community Appearance Manual.

**3-507 COIN-OPERATED AMUSEMENT DEVICES**

**Ord. 4215 / 06-04-2012**

In addition to the requirements of Section 3-203, an establishment that includes coin-operated amusement devices, either as a primary use with an approved conditional use permit or as an accessory use permitted-by-right, shall comply with the following regulations:

**A. OPEN GAMEROOMS**

All gamerooms or other areas of an establishment where coin-operated amusement devices are located and offered for the use and enjoyment of patrons or invitees of the establishment shall be kept open and accessible during business hours. It shall be unlawful and an offense for the proprietor, operator or any on-duty manager of the establishment to close, conceal or prevent, or attempt to close, conceal or prevent, any person from entering or looking with a direct line of sight into a gameroom or other such area by the use of a human or electronic sentinel, or the use of doors, curtains, partitions, walls, counters or other physical or visual obstructions.

**B. PRIMARY USE TO BE MAINTAINED**

An establishment that includes coin-operated amusement devices as an accessory use permitted-by-right shall at all times actively conduct and maintain the primary use of the establishment as declared on the approved certificate-of-occupancy. The failure to actively conduct and maintain the primary use shall create a rebuttable presumption that the coin-operated amusement devices no longer constitute an accessory use of the premises and the certificate-of-occupancy shall be subject to revocation. For purposes of this Section, "actively conduct and maintain" means to occupy not less than fifty percent (50%) of the floor space of the establishment, exclusive of restrooms and storage areas, with displays, racks or shelves stocked with goods, wares, unexpired food or other merchandise for sale to customers or with equipment or furniture necessary for producing goods or providing services to clients in accordance with the approved certificate-of-occupancy.

**C. RETROFITTING REQUIRED**

An establishment with coin-operated amusement devices in use on the effective date of this ordinance shall modify or retrofit the premises to comply with the requirements of this Section no later than July 15, 2012.

**3-508 RECEPTION FACILITIES**

**Ord. 4541 / 02-19-2018**

In addition to the requirements of Section 3-203, all reception facilities approved by conditional use permit shall comply with the following regulations:

- A. *Hours of operation.* Unless authorized by a conditional use permit, hours of operation for a reception facility shall be limited to 8:00 a.m. to 10:00 p.m. Monday through Thursday and 8:00 a.m. to midnight Friday through Sunday.
- B. *Security.* The reception facility shall provide security at every event where alcoholic beverages are provided or consumed or where a D.J. or live music is provided for age groups 13-21. Security shall be provided by a qualified person(s) authorized to provide private security pursuant to Chapter 1702 of the Texas Occupations Code or by a licensed peace officer.
- C. *Outside activities.* Outside activities, if any, shall be confined within a legally fenced-in area with a solid fence or wall at least six feet in height and in compliance with Chapter 5, Article V of the Code of the City of Mesquite, Texas. All activities conducted within or outside the reception facility shall conform to the hours of operation in this section and comply with the noise restrictions of City Code Section 10-66, et seq.
- D. *Premises condition.* The owner or operator of the reception facility shall clean, or have cleaned, the premises of all litter, debris or rubbish immediately following an event. In addition to other applicable codes and ordinances of the City, the premises shall be maintained in compliance with the International Property Maintenance Code and operated to conform to maximum occupancy load limitations at all times.
- E. *Owner representative.* For all events at a reception facility, the owner or the owner's agent shall be present at the facility for the duration of the event.
- F. *Compliance with applicable laws and additional provisions.* Alcoholic beverages may not be sold on the premises without strict compliance with the Texas Alcoholic Beverage Code and the use regulations of the Mesquite Zoning Ordinance. A person or a person affiliated, related, associated with or acting in concert with the person, serving alcohol may not use the facility more than twice per month. The definition of the term "person" provided in Section 1-2, "Rules of Construction," of this code, applies. "Affiliate" means any entity owned or controlled, wholly or in part, by a person.

**3-509 PUBLIC AND PRIVATE SCHOOLS**

**Ord. 4562 / 05-07-2018**

- A. In connection with a Conditional Use Permit ("CUP") for an elementary or secondary school, as defined in Section 6-102 of the Mesquite Zoning Ordinance, the applicant shall comply with the regulations in this section. The purpose of the CUP requirement is to ensure that the traffic impacts from a school will not create traffic and safety hazards for the community.
- B. Prior to presentation of a CUP application for a public or private school to the Planning and Zoning Commission, the applicant shall submit a Traffic Impact Analysis ("TIA") to the Traffic Engineering Division for approval. The TIA must be prepared and sealed by a qualified, licensed engineer in accordance with the City's Requirements for Preparing a Traffic Impact Analysis, as amended. The TIA must identify potential problems, provide effective improvements to alleviate the problems and include a Traffic Management Plan ("TMP"). The TMP must alleviate all conflicts with through-traffic and traffic movements on public right-of-way abutting and in the vicinity of the application, and must include a design for picking-up and dropping-off students without queuing vehicles into public right-of-way. Compliance with the approved TIA and TMP shall be required by the CUP.

**3-510 VARIETY STORES**

**Ord. 4583 / 07-16-2018**

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- A. Variety stores are prohibited unless the proposed use is located more than 5,000 feet from another variety store.
- B. Incidental outdoor display is prohibited at all variety stores.
- C. If located at least 5,000 feet from another variety store, this use is permitted by conditional use permit (“CUP”) only. In addition to the criteria for a CUP set forth in Section 5-303. B, when reviewing a request for CUP for a variety store use, the City Council shall consider:
  - 1. Whether the proposed variety store will likely have a detrimental impact on the development of grocery stores and other businesses that sell fresh and healthy food items in the area to be served by the proposed use.
  - 2. The availability of healthy food options in the area of the proposed use including the proximity of full-service grocery stores within one-half mile of the proposed use and effect of the use on the retail food environment index as defined by the Centers for Disease Control and Prevention.
  - 3. Whether the proposed use is within a food desert as defined by the United States Department of Agriculture at the time of application.
- D. A CUP approved under this section must stipulate that a minimum of 10 percent of the floor area of the variety store must be dedicated to fresh produce, meat and dairy products.
- E. A nonconforming variety store in existence on August 1, 2018, may relocate on the same parcel or within the same area shopping center that it currently exists without obtaining a CUP provided the nonconforming variety store has not been terminated as provided in Section 1-304, Termination of Nonconforming Situations, of Part 1 of the zoning ordinance and the use complies with all other applicable regulations.

### **3-600 OUTDOOR SALES, DISPLAY AND STORAGE REGULATIONS**

No display, sales, or storage shall be conducted outside an enclosed building unless the use complies with the following provisions and limitations, except as may otherwise be permitted by this ordinance.

#### **3-601 INCIDENTAL OUTDOOR DISPLAY Ord. 4036/3-2-2009; Ord. 3959/5-19-2008; Ord. 2650/12-18-89**

Incidental outdoor display shall be permitted in all nonresidential districts, except the O and CV districts, when the display is incidental to a principal use on the premises and is in compliance with the following limitations and conditions. Incidental outdoor display shall mean the limited exhibition, in an area not enclosed by the principal building, of goods, wares, merchandise, or equipment for retail sale, lease, or rental, for the purpose of attracting customers and/or allowing customers to view the goods.

#### **A. LOCATION**

Incidental display shall be permitted adjacent to the principal building and shall extend no more than 5 feet therefrom. Such display shall be located on a paved surface, with a walkway at least 5 feet in width remaining unobstructed if located on a sidewalk. No such display shall obstruct or eliminate any designated parking or loading space, access drive, or fire lane; or occupy any street right-of-way.

The above criteria shall not apply to the following outdoor display which shall be permitted as follows:

#### ***Plant Nurseries***

The display/storage of bedding plants and shrubs shall be permitted at plant nurseries, including garden centers associated with home improvement and general merchandise stores, provided that the storage/display area is designated and approved on the site plan for the use. Paving within a plant display area shall be required only for pedestrian walkways. Such display shall be prohibited in any part of a required front or exterior side yard and no such display shall obstruct or eliminate any designated parking or loading space, access drive, or fire lane. The display of lawn and garden supplies, grass pallets, and other bulk items shall be permitted in conjunction with the primary display of bedding plants and shrubs, but shall otherwise constitute outdoor storage requiring compliance with 3-603.

#### **B. DURATION/TYPE MATERIALS**

Such display shall be placed outdoors for no more than one business day, provided that a display may again be placed on the next business day. Incidental display of seasonal items, such as plants and lawn/garden supplies, firewood, Christmas trees, and similar goods may be conducted for periods longer than one business day during the season in which the product is used.

#### **C. HEIGHT**

Displays of stacked materials shall not exceed 5 feet in height. Individual items of greater height may be displayed, but shall not exceed one-half the height of the principal building.

#### **3-602 OUTDOOR DISPLAY LOT Ord. 2650/12-18-89**

Outdoor display lot shall mean such display, whether for sale or rental, which constitutes a principal use of the premises, which primarily involves the display of any of the following items or vehicles, or which otherwise exceeds the limitations of incidental outdoor display as set out above. Outdoor display lots shall include, but not be limited to, any premises where the following are displayed outside an enclosed building: new and/or used cars, recreational vehicles, mobile homes, modular homes, camper tops, trailers, boats, trucks, farm implements and equipment, heavy machinery, portable buildings, swimming pools/spas, or similar items. Farmers markets shall be outdoor display lots for the purposes of this ordinance.

**A. CONDITIONAL USE PERMIT REQUIRED**

Outdoor display lots shall require approval as a Conditional Use permit and may be requested in the following districts only as specified:

1. ***LC District*** New car dealerships.
2. ***SS District*** Truck/trailer rental uses.
3. ***C, CB and I Districts*** Any outdoor display lot. Each Conditional Use permit for an outdoor display lot shall specify which items may be displayed outdoors on the premises and approval shall be limited to the specified uses.

**B. SITE PLAN**

A site plan showing the proposed display and storage area, including parking, dumpster location, existing and proposed buildings, ingress and egress points, landscape areas, and fence and barrier locations shall be filed with the application for a Conditional Use Permit.

**C. REQUIRED CONDITIONS**

1. ***Minimum Area*** A minimum lot area of 12,000 square feet is required.
2. ***Permanent Building*** A principal building of permanent construction is required.
3. ***Front Yard*** Parking and display shall be permitted in the front yard setback for vehicles only and subject to parking layout standards set out in 3-400. For security of vehicle sales lots, a six foot high fence which will not obstruct vision may be placed in the front yard setback to protect and enclose the display/ storage area. Display areas for buildings and non-vehicular items must maintain a minimum front yard setback of 25 feet.

**D. PARKING AND ACCESS**

1. ***Paving*** Paving is required for all parking, display and storage areas in accordance with City standards, except that paving shall not be required for the display of residential buildings, e.g. mobile or modular homes, if the following conditions are met: a. Units are anchored according to the manufacturer's specifications required for occupancy; b. The space between the ground and the floor level is completely enclosed, i.e. skirted; c. Access sidewalks are provided; and d. Unpaved areas are landscaped and regularly maintained in accordance with a landscape plan approved by the DRC.
2. ***Customer/Employee Parking*** Parking for customers/employees shall be provided in accordance with 3-405, and shall be in addition to the parking in the display/ storage area.
3. ***Fire Lanes*** Minimum fire lanes must be marked and maintained throughout the display/storage area in accordance with the requirements of the Fire Code. Buildings in a display/sales area shall be separated by a minimum distance of 10 feet.

**E. VEHICLE SALES**

1. ***Minor Repairs*** Vehicle sales lots may include minor repair and maintenance if conducted totally within an enclosed building. Major repairs and collision services are permitted only in conjunction with new car dealerships.
2. ***Operational Vehicles*** Outdoor display shall consist only of operational vehicles with current inspection stickers; with hoods, trunks, and doors closed when not open for inspection; and with tires properly inflated. The appearance of the lot shall be sightly and orderly.

3. **Barriers** Barriers shall be provided on all vehicular sales lots to retain vehicles completely within the property and prohibit ingress and egress except at approved drive approaches.
4. **Arrangement** Display areas shall be arranged in an orderly manner with items generally parallel to each other.

**3-603 OUTDOOR STORAGE**

**Ord. 2650/12-18-89**

Outdoor storage shall mean the keeping of any goods, materials, merchandise, or equipment outside of an enclosed building for more than 24 hours. Any such goods kept outside which are not within the definition and/or limitations for incidental outdoor display or outdoor display lots shall be regarded as outdoor storage. Outdoor storage shall include the parking/storage of vehicles to be serviced at a collision service or towing/wrecker service use and all parking/storage of vehicular equipment, such as farm or construction machinery or equipment. The placement of storage vaults or shipping containers shall be regarded as outside storage, except as may be otherwise permitted herein.

**A. PERMITTED OUTDOOR STORAGE**

1. **Accessory Outdoor Storage Area** Accessory outdoor storage shall be permitted in the MU, CB, C and I districts. Accessory outdoor storage shall mean storage which is accessory to a lawful business in a permanent building on the premises, which is conducted in accordance with the limitations and conditions set out below, and which covers a maximum of 50% of a premises. All other outdoor storage shall be classified as a primary outdoor storage yard.
2. **Primary Outdoor Storage Yard** Primary outdoor storage yards shall be permitted in the I district and may be approved as a Conditional Use permit in the C district. A primary outdoor storage yard shall mean such storage which constitutes a principal use on the premises or is conducted without a permanent building on the premises, which utilizes more than 50% of the premises, or which otherwise exceeds the limitation of an accessory storage area. Modification of the conditions set out below may be specified as part of the approval of a Conditional Use permit, if noted on the application and required notification, when it is determined that the storage can be accommodated in a modified manner without adverse impacts on adjacent properties and that such storage will still meet the general intent of the limitations.

**B. REQUIRED CONDITIONS**

All outdoor storage shall comply with the following conditions.

1. **Type Materials** Storage shall be limited to goods and materials customarily stored outside and resistant to damage and deterioration from exposure to the elements.
2. **Location** Outdoor storage shall not be located in any required front or exterior side yard; shall not obstruct or eliminate any required parking or loading space, access drive, or fire lane; or occupy any street right-of-way.
3. **Height** Storage of stacked materials shall not exceed the height of the screening fence or 8 feet, whichever is less. Individual items of greater height may be stored, but may not exceed one-half the height of the principal building.
4. **Screening**  
(Ord. 4398/11-2-15) All outdoor storage shall be screened by a permanently maintained solid wood fence or solid masonry wall at least six (6) feet in height along any side facing a front or exterior side property line, any side facing a rear or interior side property line which is adjacent to a district which does not allow outdoor storage as a permitted use, or any other side generally open to public view.

5. *Surfacing*

Storage areas shall be surfaced as follows:

- a. Storage of goods and materials shall be conducted only on a paved surface or an approved all-weather surface of crushed rock which is maintained in a dust-free condition.
- b. The storage of vehicles, trailers, and equipment which is normally intended to be mobile, whether self-propelled or towed, shall be conducted only on an approved asphalt or concrete surface which is provided in accordance with the requirements for parking areas.

## 3-700 ACCESSORY STRUCTURE REGULATIONS

### **3-701 GENERAL PROVISIONS**

**Ord. 2650/12-18-89**

Accessory structures, used only for permitted accessory uses, shall be permitted in the nonresidential districts in compliance with the following requirements.

#### **A. MAIN BUILDING REQUIRED**

No accessory structure, except fences, shall be permitted on any tract where no principal building has been established.

#### **B. PERMITTED USE**

An accessory structure shall be used for permitted accessory uses only, such as storage and security, and shall not be used as an integral part of the conduct of the principal use. Kiosks on a shopping center site shall not be classified as accessory structures.

#### **C. EXTERIOR CONSTRUCTION**

Accessory buildings shall not require exterior masonry construction when in compliance with the regulations set out herein. Any structures which comply with the requirements for exterior fire resistant construction may be classified as principal buildings.

#### **D. MAXIMUM SIZE AND HEIGHT**

The maximum size for an accessory structure in a nonresidential district shall be 500 square feet with a maximum height of 15 feet, one story, or the height of the principal building, whichever is greater. In no case may an accessory structure exceed the height which would be permitted for a principal structure at the same location on the site. (See 3-301C).

#### **E. SETBACKS**

Accessory structures shall require the following minimum setbacks from property lines. No separation from other structures shall be required, except as may be required by the Building Code.

1. ***Front and Exterior Side Yard Setbacks*** Same as setback required for the principal structure, provided however, that in no case may an accessory structure be placed nearer to a street right-of-way line than the principal building.
2. ***Interior Side and Rear Yard Setbacks*** Same as setbacks required for the principal structure.

### **3-702 PERMITTED MODIFICATIONS - SPECIFIC STRUCTURES**

**Ord 2650/12-18-89**

#### **A. CANOPIES**

An unenclosed, drive-through canopy for a service station, day care center, hospital, or business with similar operating characteristics may be placed with a minimum 12 foot setback from any street right-of-way line and may exceed the maximum height limits set out above.

#### **B. GUARD HOUSES**

A guard house with a maximum size of 120 square feet and located at a controlled access drive for security purposes, may be placed nearer the street than the principal structure, but shall maintain a minimum 25 foot setback from any street right-of-way line.

**C. FENCES, SIGNS, SWIMMING POOLS**

Fences, signs, and swimming pools shall comply with the respective requirements and regulations set out in the City Code.

**D. ANTENNA, AERIALS, FLAGPOLES** (Ord. 3153 / 5-5-97)

Antenna, aerials and associated masts shall comply with the requirements of 1-700. Flagpoles shall comply with the requirements of 3-701, except as otherwise permitted herein, provided however, that a total maximum height of 75 feet shall be permitted. When flagpole is taller than 30 feet, the required setbacks from the side and rear property lines shall be increased by one foot for each foot in height over 30 feet. Flagpoles over 75 feet in height shall require approval as a Special Exception.

**E. SATELLITE DISHES**

Satellite dishes shall comply with all height and setback requirements set out in 3-701, provided however, that the height limits set out above shall not apply to dishes mounted on a roof.

**F. PARKING PADS AND DRIVES**

All parking pads and drives, whether required or excess parking, shall comply with the requirements set out in 3-400.

**3-703 SPECIAL EXCEPTIONS**

**Ord. 2650/12-18-89**

The Board of Adjustment may authorize the following Special Exceptions where it determines that the exception can be accommodated without creating adverse impact on adjacent properties and that it will be compatible with the general character of development in the area.

**A. OVERSIZE ACCESSORY BUILDINGS**

To allow an oversize accessory building, which shall be an accessory structure which exceeds the height and/or size limits set out in 3-701. This provision shall apply only to structures which are clearly accessory and shall not be used to exclude a principal structure from the requirements for exterior fire resistant construction.

**B. OVERSIZE ANTENNA, FLAGPOLES** (Ord. 3153 / 5-5-97)

To allow a flagpole which exceeds 75 feet in height.

**C. REVERSE VENDING MACHINES**

To allow placement of reverse vending machines which are totally enclosed and self-contained when operated for recycling purposes.